

# Civilian Personnel Policies and Procedures Manual



## **DISCLAIMER**

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*September 2018*

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***Policy # i***  
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*Last revised: 1/11*

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## ***Policy # ii***

### **AT-WILL EMPLOYEES**

All employees who are so designated by their respective City Council/Mayoral appointee or by City Code are employed on an "at-will" basis and serve at the pleasure of their appointing authority. Other at-will employees include those working in a special, hourly, temporary, or probationary status.

#### Employment Relationship

The employment relationship between the City and its at-will employees is at the mutual consent of both parties.

- The City of Colorado Springs and the employee have the right to end the employment relationship at any time, with or without notice or cause.
- At-will employees who are separated by the City, have no right or expectation to receive any pre-release or post-release proceeding, hearing or appeal, nor are they entitled to severance pay unless approved at the sole discretion of the Council/Mayoral appointee in accordance with the Senior Manager At-Will Program initially approved by City Council August, 2000.
- At-will employees have no right to return to employment in a former City position or right to employment in any other City position.
- The at-will relationship established by the promulgation of this policy supersedes any prior oral, written or implied employment relationship.
- The at-will relationship established by this policy may not be altered by the parties unless there is a written agreement signed by the employee and the Mayor or Council/Mayoral appointee to whom the employee reports. In the event of any contrary statement, oral or written, now or in the future, the at-will relationship established by this policy shall control.

#### Applicability of City Policies and Procedures

By virtue of their employment relationship with the City, at-will employees are exempt from policies and procedures specifically related to for-cause employees.

*Last revised: 01/18*

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***Policy # iii***  
**EQUAL EMPLOYMENT OPPORTUNITY**

The City of Colorado Springs is an Equal Employment Opportunity employer. The City of Colorado Springs will not tolerate any employee engaging in unlawful discrimination, harassment, or retaliation against any employee or applicant because of race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, genetic information, spousal or civil union status, veteran status, or any other status protected by applicable law.

*Last revised: 11/16*

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## EMPLOYMENT

### **POLICY #1** **RECRUITMENT AND SELECTION**

It is the policy of the City of Colorado Springs to attract and retain quality employees through national, regional, and local recruitment and effective selection processes.

#### Recruitment Process

- **Application Process:** To be considered for a posted job announcement, applicants must submit their application electronically for regular and special full-time and part-time positions through the City of Colorado Springs' (City) online applicant tracking system. Information regarding City employment may be found at [www.coloradosprings.gov](http://www.coloradosprings.gov). Applicants with a disability may request an accommodation by contacting Human Resources or by sending an email to [cityrecruiting@springsgov.com](mailto:cityrecruiting@springsgov.com).
- **Job Posting:** Jobs are posted for a minimum of 5 working days. An online employment application must be submitted to Human Resources by the closing date on the job announcement. Any exceptions must be approved by Human Resources.
- **Open Competitive Job Postings:** City employees (regular, probationary, special, and hourly employees) who apply for jobs that are posted as open competitive will be considered along with external applicants.
- **Internal Job Postings:** The City supports career development, and encourages internal transfers and promotions to support employee growth. Employees are eligible to apply for positions outside their department posted either internally or externally after one (1) year in their position (this period may be waived with the approval of the Chief Human Resources Officer). Employees may apply for internal or external postings within their department at any time.
- **Internal Candidates:** Prior to making a job offer to an internal candidate, the hiring department manager must communicate with the current department manager about the potential hiring decision.
- **Reemployment:** A former employee may be considered for reemployment at the sole discretion of the hiring department head should a vacancy exist in the classification held by the employee prior to separation without a full recruitment process. However, the employee must have successfully completed probation (or a special/at-will employee who has completed a minimum of one year of continuous city service); and voluntarily resigned from the vacant position in good

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POLICY #1  
RECRUITMENT AND SELECTION

standing within the last six months and had been performing at a meets expectations level or better at the time of their resignation. Employees who previously separated under a City voluntary attrition program must comply with the vacancy requirements of the program prior to reemployment.

- **Rehire:** Any former employee who was discharged from City employment shall not be eligible for rehire into a regular or special position without prior approval of the Chief Human Resources Officer or designee.
- **Drug Testing:** When an applicant is hired into positions covered by Commercial Driver's License (CDL) requirements, he/she must pass an initial DOT drug test. Certain safety sensitive positions may also be required to complete post-offer/pre-employment drug screening. The applicant will receive a Drug Testing Authorization Form to take to the drug testing facility along with instructions on where and when to complete the drug test.
- **Physical Examinations:** Some positions may require a post-offer physical examination. Contact Human Resources for additional information.
- **Reference Checks:** The Human Resources Department will be responsible for ensuring that employment references for applicants selected for a regular or special position are conducted. If the applicant is a current City hourly/temporary employee, references should be checked when offered a regular position if not done when the employee was initially hired. If a degree is required for the position, the Human Resources Department will verify educational requirements during the background check process.
- **Background Checks:** Background checks are conducted by Human Resources or the hiring department for all new employees (as designated by Human Resources) on all new employees and current employees. Background checks may include a criminal background check and may also include (depending on the position) a motor vehicle check, verification of degree, credit check, credentials verification, verification of employment, or other information deemed relevant by the City. All background checks conducted by a third party for the City are in conformity with the Federal Fair Credit Reporting Act and state and federal privacy and anti-discrimination laws.

### Notification

The Human Resources Department or a designated representative is responsible for contacting the candidate selected for the position and making a job offer that may be contingent upon the candidate's successful completion of a drug test, a review of the background checks, and any

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POLICY #1  
RECRUITMENT AND SELECTION

other applicable pre-employment assessments. Following the verbal offer, the Human Resources Department sends a conditional offer letter to the candidate.

Benefits Orientation

All benefit eligible employees will be provided benefit information prior to beginning work. Benefits enrollment will be conducted by Human Resources.

Relocation Expense Reimbursement

Payment of relocation expenses may be used to help attract candidates for technical, professional, supervisory, management, and hard to fill positions. The hiring manager must obtain approval from Human Resources prior to offering or including relocation in the job offer. The hiring manager and/or department head must approve the relocation reimbursement, complete necessary paperwork with the candidate, and reimburse the candidate for this expense out of the department's budget.

Recruitment and Selection Record Retention

All records, materials, interview questions/responses, and/or examinations relating to the employment process shall be retained by the Human Resources Department or a designated representative for a minimum of two years from the date the position is filled in compliance with the requirements of the Colorado Municipal Records Retention Schedule. Any information subject to legal hold shall be retained in accordance with the legal hold. If any legal or compliance action concerning the process has been filed, all documents must be retained by the hiring authority and Human Resources until such action is resolved but not less than two years in compliance with the requirements of the Colorado Municipal Records Retention Schedule.

References

Drug and Alcohol Testing Manual, Sample Offer Letter on Intranet Page under Human Resources

*Last revised: 9/18*

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## ***Policy # 2*** ***EMPLOYMENT***

### Types of Employment

**Regular Full-Time Employee:** An employee who has satisfactorily completed the original probationary period and regularly works a minimum of 40 hours per week.

**Regular Part-time Employee:** An employee who regularly works less than 40 hours a week, but 20 hours or more.

### **Probationary Employee**

- A new employee who is serving the original probationary period with the City in a regular position.
- An existing employee who is serving a probationary period as a result of promotion, transfer to a position in a different classification, transfer to a position in the same classification with different duties and responsibilities and in a different Department, or demotion (voluntary) to a position in a different classification.
- All probationary employees are considered to be at-will until the successful completion of their probationary period.

**Hourly Employee:** A supplemental at-will employee who is employed for an indefinite period of time and receives no benefits except for those required by law.

**Special Employee:** A budgeted at-will full-time or part-time position established for an interim period and eligible for benefits.

### **Probationary Period**

- The probationary period shall be utilized for closely observing the employee's work to determine the employee's fitness for the position.
- Exempt and non-exempt regular employees will serve a probationary period, not to exceed 12 months of active employment, as a result of original hire to a City position.
- Regular and probationary employees will serve a new probationary period as a result of promotion or transfer to a position in a different classification, a reclassification, or in the

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same classification if the duties and responsibilities are different from the previous position and the position is in a different Department.

- The Chief Human Resources Officer, or designee, at the written request of the Department Head, may approve an extension of the probationary period when the original probationary period is not a sufficient length of time to determine the employee's fitness for the position; however, the maximum length of probationary period, including any extensions, shall not exceed 18 months of active employment for both exempt and non-exempt employees.
- Specific classifications may require extensive training prior to the commencement of measurable job performance. In these cases, the probationary period may be extended to provide an additional six months of probationary employment with approval of the Chief Human Resources Officer. The combined training and probationary period should not exceed the extension periods referenced above.

#### Conditions of Probation

- Probationary employees may be dismissed at any time with or without notice or cause.
- Probationary employees do not have appeal or grievance rights.
- Probationary employees who fail to satisfactorily perform during the probationary period shall be terminated.
- Hourly or special employment may not be credited toward completion of a probationary period.
- Regular employees who fail to complete the probationary period in the new classification and/or position may be transferred back to a position in the former class if a vacancy is available and the former Department Head approves.
- Regular probationary employees may voluntarily return to their former position or to a position in the same classification, providing such a position is vacant and the transfer is approved by the former Department Head.

#### Benefits Upon Reemployment:

Upon reemployment as defined in Policy #1 – Recruitment and Selection, benefits shall be reinstated as follows:

- Prior service credit will be used to determine vacation accrual rates.
- Available sick leave balance at time of resignation will be reinstated, unless previously paid out due to prior separation being a retirement. However, employees

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rehired after January 1, 2011 will not be eligible for sick leave payout upon retirement.

- Personal day will be reinstated, unless resignation and reemployment occur in the same calendar year and the employee previously used the personal day.
- Regular employee's prior service credit will be counted towards all City service for purposes of service awards.

#### Benefits Upon Transfer from Sworn to Civilian

The employee will retain any accrued sick leave balance earned while a Sworn employee. Such balance will be transferred for use by the employee in accordance with policy. Accrued vacation earned while a Sworn employee will be paid off effective the date of transfer. The employee's vacation accrual rate will be based on total years of continuous civilian employment with the City. Service awards will be based on original hire date with the City. Retirement eligibility will be as prescribed by the State of Colorado Public Employees' Retirement Association (PERA).

#### Length of Service for Service Awards

The City periodically recognizes employees for length of service. Length of service for the purpose of determining service awards includes all periods of active City employment in a regular position. Employees in a special position may be recognized after 5 years of active service at the discretion of the Appointee or Department Director. Awards for special employees will be purchased out of their respective Department's budget.

#### Employment Restrictions

- An employee may not hold simultaneous positions with the City, or any entity that is owned by the City and/or operates under the auspices of the City Council, if the combined hours exceed 40 hours per week. An exception, as defined by the Fair Labor Standards Act, is occasional, sporadic part-time employment. Examples of this type employment are sports officials or instructors. The part-time employment cannot be in the Department/Division of the employee's regular assignment.
- An individual under contract with the City or Colorado Springs Utilities may not become or remain an employee of the City or the Colorado Springs Utilities.
- Individuals employed by the City must be at least 16 years of age, unless the position is seasonal. In certain seasonal positions, individuals who are 14 or older may be hired.

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- The City will not employ individuals who cannot establish proof of their legal right to work within the United States.

### Other Employment

No employee shall engage in any employment or activity, which creates a conflict of interest or appearance of conflict of interest with their duties as a City employee.

If an employee holds a second job in addition to the City position, the employee must immediately notify their Department Director or Council/Mayoral Appointee in writing. (In the case of the Police Department, approval by the Chief is required.) The employee shall consider the City position as primary and take appropriate steps to avoid jeopardizing the commitment to the primary position. The employee must ensure that the employment does not violate the Business Code of Ethics (Conflict of Interest) Policy # 39 and that no relationship exists between the second employer or activity, and any inspections, supervision, or contracts which are part of the employee's normal job with the City. The second job or self-employment may not be conducted during working hours, in City Buildings, nor may supplies or equipment be used to conduct such business.

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### ***Policy #3*** ***EMPLOYMENT CHANGES***

An employee may be voluntarily or involuntarily promoted, transferred, or demoted.

#### **Definitions**

- **Promotion:** Assignment to a higher classification.
- **Transfer:** Assignment to a classification in the same Band and Zone.
- **Demotion:** Assignment to a classification in a lower Band and/or Zone.
- Approval Process
- Employment changes within a department must be approved by the Director. If the change is to another department, the employee's current Director and the new Director must approve the change.
- The action taken in regard to all requests for transfers/ demotions will be determined by the operating needs of the City.

#### **Compensation Upon Change**

- Promotion will result in an increase in compensation commensurate with the skills and experience of the employee within the band/zone of the new class.
- Voluntary transfer to a position in the same classification will result in no compensation change.
- Voluntary demotion to lower classification or involuntary transfer or demotion for operational requirements will result in a change of salary appropriate for the employee's skills and qualifications within the new salary range.
- Involuntary demotion for disciplinary reasons or unsatisfactory performance will result in a salary reduction.

#### **Due Process Hearings**

Involuntary demotions may be appealed in accordance with Policy and Procedure #47, Disciplinary Appeal and Post-Term Hearings.

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## **Policy # 4** **SEPARATION**

### Types of Separation

- **Resignation:** A resignation is a voluntary separation from employment. An employee is expected to provide written notice a minimum of 10 working days prior to the effective date of the resignation.
- **Retirement:** Retirement is a voluntary separation from employment for reasons of age and service or medical condition for which the employee receives an immediate annuity. To be considered retired an employee must have made application for retirement prior to the date of separation.
- **Termination:** A termination is an involuntary separation from employment. If a supervisor/manager is considering termination of a regular employee, a pre-termination meeting must be held in accordance with Policy and Procedure #46, Pre-Termination Meeting. If it is determined by the immediate supervisor that an employee is not suited for a position during the initial probationary period, the employee may be terminated with approval of the Department Director. At the discretion of Department Director/Division Manager or Council/Mayoral Appointee, regular employees, who are in a probationary period as a result of a change in classification or transfer to another position in the same classification, may be placed in a vacant position in the former classification with the commensurate salary.
- **Reduction in Force:** If for any reason, including but not limited to, budget or operational considerations, the City determines that it is necessary to have a reduction in workforce, policies and procedures, appropriate for the circumstances, will be developed and distributed at the time. Employees identified in the reduction in workforce will be considered under the policies and procedures promulgated at the time.

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Out-Processing

	<b>VACATION</b>	<b>SICK LEAVE</b>	<b>COBRA</b> (medical, dental, vision, and EAP coverage)	<b>SPECIAL PROCEDURE</b>
Resignation	Pay for all accrued, unused vacation at base salary rate	No payment	Notice mailed within 14 days of date of separation	See steps listed below
Retirement for those employees eligible for sick leave accrual on or before 12/31/10	Pay for all accrued, unused vacation at base salary rate	Pay ½ of accrued sick leave hours in excess of 480 hours* to the RHS plan	Notice mailed within 14 days of date of separation	Notify PERA 60 days in advance of retirement; see steps listed below
Retirement for those employees hired or rehired after 12/31/10	Pay for all accrued, unused vacation at base salary rate	No payment	Notice mailed within 14 days of date of separation	Notify PERA 60 days in advance of retirement; see steps listed below
Termination	Pay for all accrued, unused vacation at base salary rate	No payment	Notice mailed within 14 days of date of separation	See steps listed below

\*Employees in the At-Will Senior Manager Benefit program should refer to Policy #62.

The supervisor should complete the following steps when an employee is separating:

- Complete the Personnel Action Form and send to Payroll as soon as possible to ensure timely preparation of final paycheck. The final paycheck for separating employees shall be available for pickup the next regularly scheduled payday.
- Collect all City property including, but not limited to credit cards, tools, keys, laptop computers, files, pagers, identification badge, etc.
- Verify whether repayment to the City is required because of educational assistance reimbursement.

Payment if Employee is Deceased

Any payment due to a deceased employee will be paid to the employee's estate.

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### Exit Program

All regular employees separating due to resignation or retirement and all probationary or special employees separating due to resignation or termination will be given the option to complete an exit questionnaire and attend an exit interview with a member of Human Resources staff.

- The Human Resources Contact from the separating employee's department is responsible for providing the employee with the Exit Questionnaire and information on how to schedule the Human Resources Exit Interview
- The departing employee should be granted duty time to complete the Exit Questionnaire and Exit Interview if operational needs allow,
- Employee questionnaire and interview results will be compiled in a management report wherein employees are not identified; and
- If information received suggests a violation of policy or law, the situation will be looked into and, if necessary, corrective action taken.

### References

Policy and Procedure #46, Pre-Termination Meeting; #2, Employment, Conditions of Employment, PERA Retirement Brochures

*Last revised: 10/13*

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## ***Policy # 5*** ***PERSONNEL RECORDS***

Official employee personnel records shall be maintained in Human Resources. The employee shall receive a copy of all material that is forwarded for inclusion in the employee's record.

Employees may review their personnel records. By submitting a request to Human Resources employees may receive a copy of any information in their personnel record at no cost, with charges per page for additional copies at the same rate as Colorado Open Records Act (CORA) requests per the City's CORA Policy.

### **Internal Accessibility**

Only administrative, management, supervisory personnel with a need to know may review an employee's personnel record, with Human Resources approval.

- All other requests for personnel records will be released in accordance with CORA.
- Information provided pursuant to a request for an employee reference shall be limited to the dates of employment, classification history, and salary information. Any requests for additional information should be directed to Human Resources.

### **Changes in Personal Information**

Employees are responsible for notifying Human Resources within five (5) working days of any change in name, address and/or telephone number. Employees are encouraged to also update any changes in their personal information through the Employee Self-Service System.

**References:** Policy and Procedure # 52, Open Records Act Compliance

*Last revised: 01/2021 – 20-662*

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## CLASSIFICATION

### ***Policy # 6*** **POSITION CLASSIFICATION**

The City of Colorado Springs maintains a classification plan which groups like or similar positions in broad classifications which are linked to the appropriate labor markets for the purpose of establishing salaries.

#### Definitions

**Position (job):** A grouping of specific duties and responsibilities, assigned by management, to be performed by one employee. Each employee is assigned to a position which is in one of the following categories:

- **Regular:** A budgeted, full-time position which receives full benefits
- **Regular, Part-Time:** A position budgeted for a minimum of 20 hours per week, but no more than 39 hours per week, which receives pro-rated benefits
- **Hourly:** A full-time or part-time supplemental position that only receives federal and state mandated benefits and is budgeted with temporary funds
- **Special:** A budgeted full-time or part-time position established for an interim period and eligible for benefits.

**Class:** A group of positions that are sufficiently similar with respect to the type of work performed, level of difficulty or responsibility and qualifications to warrant like treatment for purposes of salary administration, recruitment and other human resource management activities.

**Classification Plan:** All the classes representative of the work performed by the City of Colorado Springs.

**Reclassification:** A change in the assigned duties and responsibilities which results in a change in the position's class. The change may be to a class of a lower, equal, or higher band/zone assignment.

- **Non-Exceptional Reclassification Requests**

Non-exceptional reclassification requests are those that represent a normal or typical

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progression within a classification series. An example of a non-exceptional reclassification would be from an Analyst I to an Analyst II.

- **Exceptional Reclassification Requests**

Exceptional reclassification requests are not part of a normal progression within a series or represent movement from one major employee classification band to a different band. An example of an exceptional request would be Senior Analyst to Principal Analyst or moving from a paraprofessional classification into a professional classification. Manager and Department Director concurrence is mandatory.

### General Reclassification Procedures

If an employee believes that their duties and responsibilities have significantly changed and are not covered by their current classification, then the employee shall complete and submit to their supervisor a Request for Reclassification Form. An employee will receive a response within 90 days of submittal.

The immediate supervisor and/or Division Manager shall complete the Reclassification Request Form and make recommendations for approval or denial to the Department Director who shall, after consulting with Human Resources, determine the appropriate classification action within the City Classification System and notify the employee.

- Non-Exceptional Reclassifications are submitted to Human Resources using the Standard Reclassification Request Form. Supporting documentation may be attached. Department Directors and Division Managers must approve the reclassification.
- Exceptional Reclassification Requests are submitted to Human Resources and approved by the Reclassification Review Committee. The purpose of this committee is to maintain consistency and integrity within the City's classification system. The committee does not hear appeals. Human Resources makes the final determination of which requests are Non-exceptional or Exceptional. Contact Human Resources with questions, or review the procedure on the intranet.
- **Minimum Qualifications:** An employee whose position is reclassified must meet the minimum combined requirements for education and experience of the new classification.
- **Pay Upon Reclassification:** The pay of an employee whose position is assigned to either a higher-level or lower-level classification shall be paid within the band/zone of the new class. Pay shall be commensurate with the employee's applicable education, skills, qualifications and experience.

For reclassifications implemented during a budget year, pay increases will be absorbed in

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the Unit's budget without future increases to the baseline. To obtain increases in the baseline, Unit reclassification requests should be included in the next year's budget request and implemented upon approval of funding.

- **Effective Date:** Salary increases shall be effective the date the change in duties and responsibilities occurred, retroactive no more than 60 days.

**Loss of License or Certification:** An employee who is no longer qualified for the current classification because of the loss of, or failure to obtain, a required license or certification must immediately cease to function under the authority of such license or certification. The employee must provide immediate notice to their supervisor within 24 hours and may be subject to disciplinary action, up to and including termination.

#### Role of Human Resources

Human Resources shall provide advice and consultation to the departments/divisions on classification of positions. Human Resources is responsible for the design and maintenance of the classification system including, but not limited to the following:

- The establishment of new classes of work to be added to the classification plan.
- The assignment of classifications to appropriate bands/zones, taking into consideration organizational structure, level of responsibility, nature and scope of duties, relationship to existing classes and market survey data.
- The preparation of an annual report identifying all classification changes requested and approved during the year.
- The periodic review of positions assigned to a job family in order to assure the integrity of the classifications.

#### Role of the Department Director/Division Manager or Council/Mayoral Appointee

The Department Director/Division Manager or Council/Mayoral Appointee is responsible for maintaining the appropriate classification of the positions assigned to the organization. This involves the following:

- Assignment of duties and responsibilities to a position.
- Review, approval, coordination and implementation of changes in position classification, when the reclassification is to either an existing classification or a new classification, to ensure consistency of classification actions. Department Directors shall be responsible for approving the Request for Reclassification, which shall be evaluated and approved/denied according to reclassification procedures described above.

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Policy # 6  
POSITION CLASSIFICATION

*Last revised: 01/18*

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## COMPENSATION/SALARY

### *Policy # 7* **COMPENSATION-SALARY PLAN**

The City will establish a salary plan that links its position classifications to their appropriate labor markets and provides a competitive level of compensation required to attract and retain qualified employees.

#### Definitions

**Salary Plan:** The document that designates the currently approved salary ranges for each band and zone and their assigned classifications.

**Bands:** Broad grouping of classifications with similar types and levels of duties and qualifications. The established bands are:

- Senior Managers (#1)
- Managers (#2)
- Supervisors (#3)
- Professionals (#4)
- Paraprofessionals (#5)
- General (#6)

**Zones:** Additional salary groups within a band that combine classifications based on their market value and/or level of job duties. The assignment of a classification to a zone takes into account the following factors:

- Organizational structure
- Level of responsibility
- Nature and scope of duties
- Relationship to other classifications
- Market survey data
- Each zone is an open range and has the following components:
- A market average which is the salary a successful performing employee should receive
- The zone maximum is the maximum salary an exceptional performing employee can receive, which is set at 10% above market average

An entry point called zone minimum for the minimally qualified new hire, which is set at 80% of the market average **Salary Freeze:** The freezing of an employee's salary occurs when an employee is

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Policy # 7  
COMPENSATION-SALARY PLAN

placed on a Performance Improvement Plan as outlined in Policy #30. In addition, a salary freeze can occur across the board for all employees with the approval of City Council based on budget restrictions and Mayoral recommendations.

Changes to the Salary Plan

The Mayor, as part of the annual budget process, may recommend changes to the salary plan. Recommended changes shall consider labor market salary and economic data collected and evaluated by Human Resources, the City's financial condition and employee recruitment and retention data. Changes are subject to City Council approval.

Salary Appeals

Subsequent to the completion of a comprehensive salary survey, an employee may appeal their salary when changes in the assigned salary band/zone of their classifications are recommended. Human Resources shall provide an appeal procedure within 90 days through a Mayor designated committee.

*Last revised: 4/17*

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COMPENSATION - SALARY RANGE PROGRESSION

***Policy # 8***  
***COMPENSATION - SALARY RANGE PROGRESSION***

Any employee whose performance is successful or better shall be eligible for increases in their base rate of pay. The employee's performance governs the rate of progression. The base rate of pay shall not exceed the zone maximum of the classification's salary band and zone.

Entrance Rate of Pay

The entrance rate of pay is most frequently the minimum of the salary band/zone of the classification for which the applicant is hired. An entrance rate of pay above the minimum may be offered to an applicant whose education and experience exceed the minimum qualifications for the classification or when external labor market pay practices impact recruitment.

Role of Human Resources

Human Resources shall periodically prepare guidelines for use by Department Director/Division Managers in determining the appropriate percentage increases for those employees who are not yet at zone maximum of their assigned salary band/zone. Staff is also available for consultation.

Safe Harbor Provision

It is the policy of the City of Colorado Springs to comply with the salary basis requirements of the Fair Labor Standards Act. Therefore, improper deductions from the salaries of exempt employees are prohibited. All employees should be aware of this policy and the fact that the City does not allow deductions that violate the Fair Labor Standards Act.

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to the Human Resources Director.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

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## ***Policy # 9*** ***WORK SCHEDULE***

The normal work year, beginning January 1 and ending December 31, consists of fifty-two, 40-hour weeks. The designated work week is the period from 00:01 hours Sunday to 24:00 hours Saturday.

All full-time regular and special employees are scheduled to work 40 hours per work week, excluding designated, paid City holidays. Unpaid meal periods are not included in hours worked.

In order to meet operational requirements the Department Director/Division Manager/Council/Mayoral Appointee or designee shall establish the appropriate Sunday through Saturday work schedule for each employee.

Non-exempt employees may not work outside their regularly assigned work schedule without supervisor approval. Specific prohibitions include, but are not limited to:

- Starting work early
- Finishing work late
- Working during a meal break
- Performing extra or overtime work

Non-exempt employees are also prohibited from accessing work outside the regular work schedule without supervisor approval. This shall include, but is not limited to:

- Taking phone calls
- Responding to text messages
- Accessing work-related systems (voice-mail, e-mail, software applications, etc.).

Non-exempt employees will be paid for all time worked. However, non-exempt employees that work outside their regular work schedule without supervisor approval, or fail to report time worked outside the regular work schedule, may be subject to disciplinary action. It is the supervisor's responsibility to communicate policy regarding the conduct of work outside regular work hours, to verify the accuracy of time records, including the reporting of time devoted to work outside regular work hours, and to insure they do not inadvertently create a situation where employees are encouraged to work outside the regular work schedule.

### **Flex-time**

Many operations of the City allow for the flexible scheduling of the employee's work day. The following factors must be considered when implementing a flex-time program:

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- City administrative offices are to be open from 8:00 a.m. to 5:00 p.m., Monday through Friday.
- Flex-time schedules must be approved by the Department Director/Division Manager/Council/Mayoral Appointee or designee.
- Nonexempt employees must keep a record of daily hours worked, if it is other than a fixed schedule. (This can be an informal log maintained on a calendar.)
- Nonexempt employees may not establish a work schedule that exceeds 40 hours per week.

The Department Director/Division Manager may from time to time allow flex-time to accommodate exceptional circumstances for an employee.

#### Changes in Work Schedule

The Department Director/Division Manager/Council/Mayoral Appointee or designee may change an employee's established work schedule to meet operational requirements.

#### Release From Work

For employees who have worked extensive overtime, the immediate supervisor may send an employee home or direct the employee to report to work late when, in the supervisor's sole judgment, the employee's lack of adequate rest poses safety risks to the employee or co-workers. Scheduled hours not worked by the employee shall be paid at straight time.

Employees performing duties as a Commercial Motor Vehicle driver must comply with applicable Department of Transportation regulations for maximum consecutive hours of working/driving time and consecutive hours off.

#### Meal Periods and Breaks

The nonexempt employee's normal work schedule will include a minimum of a 30-minute, unpaid meal period during any work day that exceeds 4 hours, and one 15-minute paid break for every 4 hours worked.

- Break and meal periods include all time that an employee is away from work.
- Operational requirements may prevent the use of break periods. No additional compensation shall be paid in lieu of the missed break. Break periods shall not be cumulative in order to shorten the workday.
- Field employees will take their breaks and meal period at the work site. Employees who travel between work sites may take their break and/or meal period at any location within reasonable proximity of the work location(s) and authorized by the immediate supervisor.

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Policy # 9  
WORK SCHEDULE

- For designated shift workers the meal period is a paid part of the workday.
- If the work day exceeds 8 hours, the approval of any additional unpaid meal period(s) is at the discretion of the immediate supervisor considering the anticipated length of the work day.

Accommodations for Nursing Mothers

A private space will be provided, and reasonable time will be permitted for nursing mothers to express milk during the workday for up to two years following the birth of a child. The time permitted will typically run concurrently with the time already provided for meal and rest breaks. If the breaks cannot run concurrently and/or additional time is needed, the employee's supervisor and the employee will agree upon an appropriate schedule. Employees will be provided with the use of a room, office, or other private area, other than a bathroom, that is shielded from view and free from intrusion by co-workers and the public. The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk.

*Last revised: 9/18*

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## **Policy # 10** **OVERTIME**

All employees may be required to work in excess of 40 hours in the workweek. Departments/Divisions are encouraged to minimize those occasions that place employees in a situation where they are required to work extensive consecutive hours of overtime. Compensation for overtime shall, at minimum, comply with all applicable federal, state, and/or local rules and regulations. All overtime must be approved in advance by the immediate supervisor.

### **Nonexempt Employee Compensation**

Nonexempt employees will be compensated at the appropriate overtime rate for all hours worked in excess of the 40 hour workweek. Hours worked does not include holidays, funeral leave, jury leave, performance award time off, compensatory time off, vacation time, sick leave or paid leave used for work absence due to sick purposes when sick leave is exhausted or other paid leaves,. Leaves without pay will not be included.

- **Rates:** The normal overtime rate is 1 ½ times the employee's regular rate of pay. That rate is calculated in accordance with the requirements of the Fair Labor Standards Act and represents the employee's average hourly rate when all pay differentials are included with the base hourly rate.
- **Scheduled Overtime:** Overtime announced 12 hours in advance is considered "scheduled". If the scheduled overtime does not begin immediately prior to or after the employee's normal work schedule, the employee shall be compensated for a minimum of two hours at the appropriate overtime rate.
- **Overtime While Traveling:** A nonexempt employee who is required to travel to and from a temporary job site or a directed training site will be compensated in accordance with the Fair Labor Standards Act.
- **Release from Work:** A nonexempt employee's normal work schedule shall not be reduced without prior notice for the sole purpose of avoiding overtime compensation for hours that have been worked. The immediate supervisor may notify the employee in advance of a work schedule change in order avoid a potential overtime situation. See Policy and Procedure #10, Work Schedule.

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### Exempt Employee Compensation

Exempt employees, except in unusual circumstances as authorized by the Department Director or Council/Mayoral Appointee, will not be compensated for hours worked in excess of their standard workweek (i.e., 40 hours,  $\frac{3}{4}$ -time,  $\frac{1}{2}$ -time, etc.). It is recognized that the executive, professional, and administrative employees (as defined in the Fair Labor Standards Act) do not adhere to a strict standard workweek. In those instances where an exempt employee is required to work extensive hours, exceeding their standard workweek for a prolonged period of time, the Department Director and the Human Resources Director or Council/Mayoral Appointee may authorize time off or a special payment of additional compensation.

### Overtime Exemption

Hourly and seasonal employees of City recreational operations, which are exempt from the overtime provisions of the FLSA, will not be covered by the overtime provisions of this policy.

### Overtime Distribution

Within the operational requirements of the work to be performed, the immediate supervisor shall use their best efforts to distribute the opportunity to work overtime among qualified employees.

### Overtime Refusal

An employee who is required to work overtime and refuses is subject to disciplinary actions, up to and including termination, unless such refusal is protected by law.

### Volunteer Time

The City will comply with laws governing the payment of overtime to non-exempt employees. If there is a question about the classification of an activity as work time or volunteer time, please contact Human Resources.

### Meals During Overtime

In order to ensure employee safety and to maintain employee productivity, the supervisor shall make every attempt to ensure that employees working overtime are provided a paid meal period at reasonable intervals.

When unforeseen circumstances dictate, the supervisor may authorize the payment for meals delivered to the work site or eaten off-site.

*Last revised: 11/16*

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## ***Policy # 11*** ***SHIFT WORK***

Certain functions of the City of Colorado Springs require seven day, 24 hours/week operations. Employees who staff those functions are eligible for some or all of the following pay differentials in addition to their base hourly rate.

### **2080-Hour Shift Workers**

Regular, probationary, and special employees are designated as 2080-hour shift workers if they staff seven-day, 24-hour operations and are scheduled to work 2080 hours in a work year. 2080-hour shift workers follow the shift worker holiday schedule, receive shift worker holiday pay and are eligible for shift differential and holiday premium pay.

### **2000-Hour Shift Workers**

Regular, probationary, and special employees are designated as 2000-hour shift workers if they staff a normal (not 24/7) City operation, are scheduled to work 2000 hours in a work year and are regularly scheduled to work hours in Shift 2 or 3. 2000-hour shift workers follow the regular City holiday schedule (subject to operational requirements) and are eligible for pay differential, and holiday premium pay.

### **Shift Differential and Pay Differential**

An employee designated as a 2080-hour shift worker receives shift differential (separate rate for shift 2 and 3) when the majority of their regularly scheduled hours fall in Shift 2 or Shift 3.

An employee designated as a 2000-hour shift worker receives a pay differential (set rate) when the majority of their regularly scheduled hours fall outside of Shift 1.

Regularly scheduled means either permanently scheduled to work a particular shift or scheduled to work a particular shift on a rotating or fixed basis. Shift and schedule changes outside of the permanent schedule (less than a full pay period) do not qualify for shift or pay differential.

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The shift or pay differential rate is paid on regularly scheduled hours worked (it is not paid on any paid or unpaid time off or on overtime), however the shift or pay differential is included in the FLSA regular rate for overtime calculations. If the hours in the regular schedule are evenly split between two shifts, the higher rate will be applied.

Following are the established shift periods:

- Shift 1 -- 8:00 a.m. to 4:00 p.m.
- Shift 2 - 4:00 p.m. to midnight
- Shift 3 - midnight to 8:00 a.m.

Shift and pay differential rates are recommended by the Mayor and approved in the annual budget process by City Council.

#### 2080-Hour Shift Worker Holiday Pay

A regular, probationary, or special employee designated as a 2080-hour shift worker shall receive 8 hours of holiday pay for each of the following City holidays.

- New Year's Day - January 1
- Martin Luther King, Jr. Day - 3rd Monday in January
- President's Day -- 3rd Monday in February
- Memorial Day - last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Veteran's Day - November 11
- Thanksgiving Day - 4th Thursday in November
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day -December 25

2080-hour shift worker holiday pay is in addition to regular pay and is paid whether or not the holiday is worked. It is the equivalent of the employee's base hourly rate.

2080-hour shift worker holiday pay is in addition to regular pay and is paid whether or not the holiday is worked. It is the equivalent of the employee's base hourly rate. Due to Police

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Department operations and scheduling demands, Police Services Representatives will be allowed to bank shift worker holiday hours in their personal leave bank in lieu of receiving shift worker holiday pay.

2080-hour shift workers who are scheduled to work on a shift worker holiday, but request the day off, must take paid leave (vacation, personal holiday, or compensatory time off) or if no paid leave time is available, take leave without pay.

#### 2080-Hour Shift Worker Holiday Premium Pay

A regular, probationary, or special employee, who is designated as a 2080-hour shift worker, who works a regularly assigned shift that falls on a shift worker holiday, shall receive holiday premium pay for all hours worked on the holiday. Such pay is in addition to regular pay, shift differential, and holiday pay. It shall be paid at ½ times the base hourly rate for each hour worked on the holiday.

#### 2000-Hour Shift Worker Holiday Pay

A regular, probationary, or special employee who is designated as a 2000-hour shift worker receives holiday pay in accordance with Policy and Procedure #16, Holidays.

#### Meal Periods

For certain designated shift workers who are required to be available for work during the entire shift, the meal period shall be paid and included in the 40-hour work week schedule.

*Last revised: 01/2021 – 20-662*

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## ***Policy #12***

### ***Inclement Weather and Emergency Closings***

The City of Colorado Springs is dedicated to serving our citizens and will attempt to maintain normal working hours even during inclement weather or emergency situations.

Under unusual circumstances such as inclement weather, the Mayor and/or Chief of Staff may choose to direct non-essential employees not to report for work, to report for work late, or to leave work early.

Each calendar year, the Mayor and/or Chief of Staff may grant up to 40 hours of paid leave to cover the partial closure of non-essential City offices and services due to unusual circumstances such as inclement weather.

Employees will be paid for any regularly scheduled hours that they do not work as a result of emergency closings or delays. If closings or delays exceed the annual maximum of 40 hours, non-exempt employees may choose to use available personal, vacation, or comp time, or make up the hours during the same workweek with supervisor approval.

#### **Employees Who Do Not Report to Work**

Employees who do not report to work on a day when operations are delayed or close early will not qualify for Inclement Weather pay. In these circumstances an employee may request leave from the appropriate leave bank (personal, sick, vacation, comp time), or may make up time during the same workweek with supervisor approval.

#### **Essential Personnel**

Certain employees who staff essential operations and services as determined by the Department Director, Division Manager or Council/Mayoral Appointee are excluded from this policy.

For purposes of snow emergency, Snow Emergency Essential Personnel are expected to respond and work their required schedule as a condition of employment. Personnel who fail to respond and to work their required schedule may be subject to disciplinary action.

Last Revised 4/17

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## ***Policy # 13*** **TELEWORKING**

The City of Colorado Springs supports the use of teleworking in those instances where work at home, on a full-time or part-time basis, is an acceptable alternative to the usual City work site.

### **Approval**

Department Directors/Division Managers or Council/Mayoral Appointees have the discretionary authority to approve the use of teleworking. In determining a job's suitability for teleworking, the Department Directors/Division Managers or Council/Mayoral Appointees will take into consideration the following factors:

- Nature and scope of the employee's primary job assignment.
- Impact on customer service.
- Expense to the City for setting up a work station.
- Employee's past performance.
- Benefits to the City, such as employee retention, increased productivity, ADA accommodation, and limited availability of office space.

### **Teleworking Agreement**

Should the Director or Council/Mayoral Appointee approve the use of teleworking, the employee will enter into a teleworking agreement. At a minimum, the agreement will cover the following:

- Nature and scope of the work to be performed.
- Time reporting requirements.
- Overtime reporting.
- Equipment to be provided by the City or by the employee.
- Reimbursable expenses.
- Information security requirements.
- Insurance requirements and liability coverage.
- Worker's compensation coverage and accident reporting requirements.

Since participation in the program is voluntary for both management and employees either management or the employee may terminate the agreement at any time.

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### Occasional Work At Home

This policy does not apply to those situations where an employee, with the immediate supervisor's permission, may occasionally work at home to complete a report or special project.

### Dependent Care

Teleworking is not to be used as a regular substitute for child or elder care. Other care arrangements must be available during working hours if there are young children or elderly individuals in the home.

### Role of Metro Rides

Metro Rides will provide assistance and consultation to the Departments/Divisions who wish to establish a teleworking program. The staff is available to provide training and consultation.

**References:** Teleworking Addendum in Public Folders

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**Policy # 14**  
**COMPENSATORY TIME OFF**

A nonexempt employee who is eligible for overtime, with the approval of the immediate supervisor, may accrue compensatory time off in lieu of payment for overtime. The compensatory time off shall accrue at the appropriate overtime rate. Use of compensatory time off must be approved in advance by the immediate supervisor.

**Limitations**

A supervisor may not require an employee to accrue compensatory time off as an alternative to paying overtime, unless the employee agrees to accrue compensatory time.

Supervisor may not require the use of compensatory time instead of overtime payment, without employee agreement.

**Exempt Employees**

Exempt employees, except in unusual circumstances as authorized by the Department Director or Council/Mayoral Appointee, will not be compensated hours worked in excess of their standard workweek (i.e., 40 hours,  $\frac{3}{4}$  time,  $\frac{1}{2}$  time, etc.). It is recognized that the executive, professional, and administrative employees (as defined in the Fair Labor Standards Act) do not adhere to a strict standard workweek. In those instances where an exempt employee is required to work extensive hours, exceeding their standard workweek for a prolonged period of time, the Department Director and the Human Resources Director or Council/Mayoral Appointee may authorize time off or a special payment of additional compensation.

**Maximum Balance**

The maximum compensatory time balance shall not accrue beyond 80 hours. Overtime hours worked in excess of the maximum will be paid at the appropriate overtime rate. The City reserves the right to direct an employee to take accrued compensatory time off.

**Payment Upon Status Change Non-Exempt to Exempt**

If an employee has a status change from non-exempt to exempt, all accrued compensatory time shall be paid out on their next regular paycheck after the status change. If a pay increase is received as a result of the status change, the compensatory time will be paid at the previous (non-exempt) rate.

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Policy # 14  
COMPENSATORY TIME OFF

Payment Upon Separation

Nonexempt employees, separating from employment with the City of Colorado Springs, will be paid for all accrued compensatory time. Payment will be paid at the base hourly rate.

Recordkeeping

All compensatory time must be recorded.

*Last revised: 4/17*

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## ***Policy # 15*** ***PAY DIFFERENTIALS***

### **Standby**

Operational requirements of the City may require that an employee be on standby awaiting a call out for return to work. An employee who is placed on standby must be available for contact by pager or telephone. During the standby period, the employee is able to engage in non-work related activities.

Upon call out, the employee is expected to be capable of performing assigned duties and is to respond in accordance with department/division instructions. Call out may require, but is not limited to, a return to the work site, teleworking, or providing assistance via the telephone.

An employee assigned to standby who is not available for call out or who is incapable of performing assigned duties, will be subject to appropriate disciplinary action. An employee is responsible for informing the immediate supervisor of prescribed drugs or alcohol use that would render them incapable of responding to the call out.

### ***Rate of Pay While on Standby***

- **Nonexempt Employees:** Due to budget or operational reasons, the Department Director/Division Manager may require nonexempt employees within a specific workgroup or classification to be on standby without additional compensation. However, if compensation is awarded for employees working assigned standby, it shall be at 15% of the base hourly rate for the specific standby period.
- **Exempt Employees:** Except as authorized by the Department Director/Division Manager or Council/Mayoral Appointee will not be compensated for standby hours.
- **Employees Who Reside in City-Provided Housing (Caretakers)** shall not be compensated for standby hours.

### ***Rate of Pay When Called-Out from Standby***

- A nonexempt employee shall be compensated for hours worked, including one hour round trip travel time, at the appropriate overtime rate. Standby compensation is interrupted by call-out.
- An exempt employee who is authorized standby pay shall continue to receive standby pay unless the employee is also authorized overtime pay.

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### Emergency Call-Out

All employees are subject to emergency call-out without prior notice. Contrary to standby, emergency call-out is not scheduled and assigned, but may become operationally necessary. An employee is not expected to curtail activities and is not eligible for additional compensation prior to the emergency call-out. When such an emergency call-out requires a non-exempt employee to make an additional round-trip to a work site, one hour of pay at the appropriate overtime rate shall be paid.

An employee shall be required to ensure that the immediate supervisor has a working telephone number by which the employee may be contacted during an emergency.

### Availability

An employee who refuses to respond to such call-out without good cause may be subject to disciplinary action, up to and including termination.

### Acting Pay

Acting pay is additional compensation for temporary assignment of a period of more than 30 consecutive days to a position of a higher classification.

- **Rates of Pay**
- Acting pay may be authorized up to 10% of the assigned employee's base salary. When combined with the employee's base hourly pay, acting pay may not exceed the zone maximum of the classification to which the special assignment is made. The Department Director/Division Manager is responsible for ensuring the employee's new base pay does not exceed Zone maximum.
- Acting pay for an employee assigned to a classification in pay bands 1 or 2 shall be determined by the appointing authority.

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## BENEFITS

### ***Policy # 16*** **HOLIDAYS**

The City of Colorado Springs will make available employee benefit programs with the goal of attracting and retaining a quality workforce, as well as, programs required by law. The employer contribution toward any authorized employee benefit program is determined annually by City Council.

#### Holidays

The City recognizes the following holidays:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Eve (Civilian Employees Only)
- Christmas Day

All regular, probationary, and special employees are eligible for 8-hour paid holidays on these days. Holidays that fall on Saturday will be observed on the preceding Friday. Holidays that fall on Sunday will be observed on the following Monday (see Policy & Procedures # 11, Shift Work, for shift worker holiday schedule). Non-exempt employees who actually work the holiday shall be provided with additional pay of half time for hours worked.

Division managers may grant an alternative day off in lieu of one of the scheduled holidays, depending on operational needs.

- When Work Schedule Exceeds 8 Hours per Day on Holidays
- If the employee's normal work schedule exceeds 8 hours per day, the additional hours off in excess of the 8-hour holiday shall be charged as vacation, personal holiday, compensatory

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time off or may be made up on a different day within the same workweek with supervisor approval.

- If, due to operational requirements, management temporarily changes the employee's schedule to five 8-hour days for the week containing a holiday, the employee will not be required to charge time as described above.

### Personal Holidays

The City of Colorado Springs recognizes that we have a diverse group of employees, many of which celebrate holidays other than those listed above. In addition to the observed holidays listed above, after six months of employment, employees are eligible for one 8-hour personal holiday each year. The personal holiday must be taken at a time mutually agreeable to the supervisor and the employee. The personal holiday may not be carried over to the next year or taken in increments of less than 1 hour.

### Part-time Employees

Part-time regular, probationary and special employees shall accrue holiday and personal-holiday hours on a pro-rata share of the full-time accrual based on the normally scheduled work hours.

### Use of holiday and personal holiday upon resignation or retirement

City holidays and personal holidays cannot be utilized after the resignation or retirement date. An employee's resignation or retirement date is the actual last day that the employee is physically at work unless previously approved by the Chief Human Resources Officer due to exceptional circumstances. For example, an employee submits their resignation with July 4<sup>th</sup> as their last day of work. Since the employee was not physically at work on July 4<sup>th</sup>, a City holiday, their resignation date is July 3<sup>rd</sup> and the employee will not receive pay for the July 4<sup>th</sup> holiday in their final paycheck.

Employees are not paid for their unused personal holiday upon resignation or retirement. With coordination of the supervisor, employees may take their personal holiday prior to the resignation or retirement date; but they may not take the personal holiday on or after their resignation or retirement date.

*Last revised: 01/2021 – 20-662*

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## ***Policy # 17*** ***INSURANCE***

The City provides benefit coverage that is designed to be competitive with its labor markets and supports efforts to attract and retain employees. Enrollment, eligibility, participation requirements, plan restrictions, procedures, etc., shall be in accordance with the provisions of the various benefit plans.

Benefit plans are reviewed on a regular basis and subject to change annually.

Employee contributions for benefit plans are paid by payroll deductions. The City currently offers plans in the following areas for regular, probationary, and special employees:

Medical	Life Insurance
Dental	Voluntary Term Life
Vision	Short-term Disability
Long-term Care	Long Term Disability
Flexible Spending Accounts	Retirement Health Savings Plan

Employees enrolled in benefit plans should review the Medical Plan Document and contact the City's Benefit section in Human Resources if an employee experiences a family status change.

### **Part-time Employee Benefits**

Regular, probationary, or special part-time employees who are employed to work a minimum of 20 hours, but less than 30 hours, a week shall be eligible for 50% of the employer paid benefit premiums according to established schedules. Employees working 30 hours or more a week are eligible for the same employer paid premiums as full-time employees.

### **Retirement**

In order to facilitate the retirement process, employees are encouraged to meet with a representative of Human Resources to determine the status of benefit plans upon retirement.

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### Deceased Employee

The family of a deceased employee should contact Human Resources to determine the relevant policies regarding continuation of coverage.

### PERA Retirement Plan

The City is a member of the State of Colorado Public Employees' Retirement Association (PERA) in lieu of participation in the Federal Social Security System. Membership for all non-sworn employees is mandatory at date of employment.

- PERA benefits available upon retirement, death, or separation are prescribed by the state of Colorado.
- The state of Colorado sets the percentage rates of contribution for employer and employee.
- Rates are based upon the employee's pensionable earnings.

### PERA Short-term Disability Insurance Benefit

PERA offers a short-term disability insurance benefit to eligible employees. Availability and receipt of this benefit is not a factor in determining continued employment.

A separated employee who receives PERA short-term disability benefits, and is later (within 22 months) granted full medical retirement from PERA, will be eligible for City retirement benefits, if such employee applied for PERA medical retirement prior to being separated. Retirement benefits will begin the date that PERA awarded the full medical retirement.

Such employee is responsible for notifying the City that they have been awarded full medical retirement within 60 days from the date the employee received notice from PERA. Should an employee fail to make such notification, the City is not obligated to grant the employee retirement benefits.

### Concurrent Use of Short Term Disability and Paid Leaves

Employees may supplement short-term disability payments with accrued leave. While on FMLA leave, employees must supplement time not covered by short-term disability with paid time/paid leave. Under no circumstances will an employee receive a combination of short-term disability payments and accrued leave which exceeds 100% of the employee's normal gross base pay. Employees must supplement time not covered by short-term disability with paid time/paid leave until these are exhausted before going on unpaid leave.

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### Unemployment Insurance

The State of Colorado Employment Security Act provides that a separated employee may apply for unemployment benefits. Eligibility and amount of compensation are determined by the State of Colorado. The City pays the entire cost of this benefit.

### Survivor Benefits

The enrolled spouse and eligible children of a regular full-time, regular part-time, probationary or special employee, who dies while actively employed, will be provided 100% employer paid medical, dental, and vision benefits for 90 days. After 90 days, the family may elect COBRA coverage for up to 36 months.

The enrolled spouse and eligible children of an employee who is killed in the course and scope of their duties and responsibilities on behalf of the City will be provided with 100% employer paid medical, dental, and vision benefits for one (1) year. After one (1) year, the family may elect COBRA coverage for up to 36 months.

*Last revised: 9/18*

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***Policy # 18***  
***HIPAA POLICY AND PROCEDURE***

The City of Colorado Springs complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) relating to the privacy requirements for Protected Health Information (PHI). This policy defines how Protected Health Information (PHI) obtained by the City during the employment relationship with an employee will be used and who will have access to the information.

**Definitions**

- **Protected Health Information (PHI):** PHI includes individually identifiable health information relating to a specific employee or dependent, that is maintained or transmitted in any form to a healthcare provider, group health plan or to which the City may have access.
- **Privacy Officer:** The Director of Human Resources serves as the Privacy Officer in the organization and is assigned to ensure that the City is in compliance with all federal and state laws regarding privacy of PHI. The Privacy Officer may be contacted at 30 South Nevada, Suite 105, Colorado Springs, CO 80903.

**General Policy**

The City understands that medical information about employees and their dependents health is personal and confidential. It is the policy of this organization to limit the use of PHI to the extent necessary to make our benefits effective. Under HIPAA regulations permitted use and disclosure is limited to treatment, payment, or operation (TPO) of the health plan(s). PHI cannot be used or disclosed for any other purpose without prior written authorization by the individual. City Human Resources staff may be exposed periodically to PHI, such as during benefits enrollment, assisting employees with claims processing, plan interpretation or medical leave. The City will, to the extent required by law:

- Keep medical information that identifies an employee confidential;
- Disclose or use medical information only for the purpose of treatment, payment or operation of the health plan(s) or if properly authorized to be used for another purpose permitted by law or regulation;
- Provide employees notice of the City's privacy practices;
- Train employees exposed to PHI regarding proper handling of the information;
- Inform employees of their right to inspect and copy medical information; and

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Policy # 18  
HIPAA POLICY AND PROCEDURE

- Require that all business agents that process or have access to PHI comply with the privacy requirements of HIPAA.

Privacy Officer Duties

The Privacy Officer will be responsible for the functions of auditing, training, record keeping, corrective action, and receipt of requests and exercise of employee rights, and receipt of notices from employees and/or enforcement agencies.

Right to Inspect and Copy

Employees have the right to inspect and copy PHI maintained by the employer, to the extent required by law. The Privacy Officer will be responsible for maintaining all records of such requests to inspect or copy.

- Request to Review: Employees must submit a formal request in writing to the Privacy Officer to review Private Health Information. If possible, the type of information requested should be listed.
- Time of Review: A mutually agreeable time will be set up to review the information in the presence of the Privacy Officer.
- Copies of Information: A fee of five cents per copy will be charged for all copies of documents requested.
- Denial: A request may be denied as governed by HIPAA. Upon a denial, the city will inform the employee of the basis of the denial and, if applicable, a statement regarding how to obtain a denial review and a description of the complaint filing procedures.

Right to Amend

An employee who feels that the PHI maintained by the City is incorrect or incomplete may ask to have the file amended for as long as it is maintained. The Privacy Officer will be responsible for maintaining all records of such requests to amend.

- Request to Amend: This request must be in writing and submitted to the Privacy Officer along with a reason for the request.
- Denial of Request: A request may be denied as governed by HIPAA. Upon a denial, the City will inform the employee of the basis for the denial. The City will also provide a statement that the individual has the right to submit a written statement disagreeing with the denial and how the statement may be filed. If a statement of disagreement is not filed, the employee may ask the City to provide (1) a copy of the amendment request with any future PHI

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Policy # 18  
HIPAA POLICY AND PROCEDURE

disclosure; and (2) a description of the complaint procedures used by the City and Health and Human Services.

Violation of Policy

Employees who violate this policy will be subject to discipline up to and including discharge.

*Last revised: 4/17*

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**Policy # 19**  
**VACATION**Vacation Policy

Regular, probationary, and special employees shall accrue paid vacation for years of continuous employment according to the following schedule:

Years of Continuous Employment	Hours Accrued Biweekly	Hours Accrued Annually	Annual Entitlement (Days)
0-5 Years	3.38	88	11
6th Year	3.69	96	12
7th Year	4.00	104	13
8th Year	4.31	112	14
9th Year	4.62	120	15
10th Year	4.92	128	16
11th Year	5.23	136	17
12th Year	5.54	144	18
13th Year	5.84	152	19
14th Year	6.15	160	20
15th Year +	6.46	168	21

For purposes of accrual, years of continuous employment will mean combined years of CSU and City employment.

Approval

Vacation may be utilized only with the prior approval of the immediate supervisor. Vacation may not be taken in increments of less than ¼ hour.

Carry-over

Vacation carry-over into the following year may not exceed the employee's annual entitlement plus 40 hours.

Additional vacation carryover requests may be made in the following circumstances:

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- When an employee is not granted time to take vacation due to operational requirements, or
- An employee is required to take leave as a result of a work-related accident and, as a result, will lose vacation at year-end.

All requests for additional carryover must be approved by the Department Director or Council/Mayoral Appointee. The additional vacation time must be utilized in the following year.

#### Use of vacation upon resignation or retirement

Vacation cannot be utilized after the resignation or retirement date. An employee's resignation or retirement date is the actual last day that the employee is physically at work unless previously approved by the Human Resources Director due to exceptional circumstances. For example, an employee's last day of physically being at work is August 10<sup>th</sup>. The employee then wants to take two weeks of vacation until their retirement date of August 24<sup>th</sup>. The employee's last day of being physically at work was August 10<sup>th</sup>; therefore the employee's retirement date is August 10<sup>th</sup> and any unused vacation will be paid in the final paycheck.

#### Part-time Employees

Vacation accrual for regular, part-time employees shall be a pro-rata share of the full-time accrual, based on actual hours worked within the pay period.

#### Holidays During Vacation

Holidays observed by the City that fall within an employee's vacation will be treated as a paid holiday for all employees who work an annual minimum schedule of 2080 hours. If the employee's normal work schedule exceeds 8 hours/day, the additional hours off in excess of the 8-hour holiday shall be charged as vacation.

#### Sick Leave During Vacation

If an employee becomes ill or injured while on vacation, the employee may exchange vacation hours for sick leave hours. The employee must notify the immediate supervisor at the time of the illness or injury. The immediate supervisor may request that the employee bring a physician's statement specifying the nature of the illness or injury and releasing the employee to return to work.

#### Vacation Donation

Employees may voluntarily donate their vacation time to another employee when non-job related illness or injury of the employee or their immediate family member has exhausted the recipient's paid sick leave, vacation, personal holiday, etc. Sick leave cannot be donated. Vacation Donation is covered in City of Colorado Springs PPM #20 Vacation Donation.

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**Concurrent Use of Vacation and Short Term Disability**

Employees may supplement short-term disability payments with accrued leave. While on FMLA leave, employees must supplement time not covered by short-term disability with paid time/paid leave. Under no circumstances will an employee receive a combination of short-term disability payments and accrued leave which exceeds 100% of the employee's normal gross base pay.

**References:** Policy and Procedure # 4, Separation (Out-Processing)

Employees in the At-Will Senior Manager Benefit Program should refer to Policy #62.

*Last revised: 7/11*

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## ***Policy # 20*** **VACATION DONATION**

The City allows employees to donate accrued vacation leave to co-workers who are faced with a serious illness or injury to either themselves or an immediate family member and have exhausted their accrued leave. This policy is not intended for an employee who has a common illness or injury, or has incurred an illness or injury covered by Worker's Compensation.

### Eligibility

#### ***Donors***

To be eligible to donate vacation an employee must:

- donate voluntarily to the vacation donation pool; and
- have accrued vacation leave available.

#### ***Recipients***

To be eligible to receive donated vacation an employee must:

- be eligible to accrue vacation leave;
- be approved for FMLA, or ADA leave;
- must have exhausted all forms of paid leave; i.e., vacation, sick, personal, compensatory time off, or be reasonably close to exhausting all paid leave, and it is clear that such leave will be exhausted;
- must expect to need a minimum of 40 hours of vacation donation; and
- suffer from a serious illness or injury to either themselves or an immediate family member and submit information to substantiate this situation. "Immediate family member" is defined in the PPM under the City Employee Sick Leave Policy.

### Use

- Donated vacation can only be applied for after leave is approved. No advance or retroactive payments will be made.
- Compensation received under the Vacation Donation program is considered to be taxable to the recipient to the extent required by law.
- Donated vacation hours are converted into an equivalent number of sick hours, regardless of differences between participant's pay rates.

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### Restrictions

- The recipient may use up to 60 days or 480 hours in any 12-month period.
- The donor cannot donate more than 80 hours of vacation per calendar year and must donate in whole one-hour increments. The minimum vacation donation allowable under the plan is 4 hours.
- Leave taken using donated vacation may not be counted in the calculation of unpaid leave balances.
- Donated vacation may not be used to exceed the recipient's normally scheduled work hours per pay period.
- Donated vacation may run concurrently with leave.
- The recipient is not eligible to simultaneously receive Worker's Compensation while receiving vacation donations.
- Unused vacation donations in the event of an employee's return to work, retirement, or death will remain in the vacation donation pool.
- Application may be made prior to the depletion of an employee's leave, as long as the need for leave is known.
- The recipient is prohibited from soliciting co-workers for vacation leave. Donations must be strictly voluntary.
- Employees must supplement time not covered by short term disability with paid time/paid leave. Under no circumstances will an employee receive a combination of short term disability payments and accrued leave which exceeds 100% of the employee's normal gross base pay. Short-term disability recipients applying for vacation donation must also comply with vacation donation policy requirement to have exhausted, or be reasonably close to exhausting, all forms of paid leave including vacation, sick, personal and compensatory time.

*Last revised: 01/2021 – 20-662*

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## ***Policy # 21*** ***SICK LEAVE***

The City of Colorado Springs provides sick leave for employees to promote health and wellness. It is important to the organization that employees are able to take the time they need to care for themselves or their families during illness or injury. Employees must use paid sick leave for qualifying reasons prior to taking other leave types or leave without pay unless an exception is made by the Department Head and Chief Human Resources and Risk Officer (unless State or Federal laws allow or require differently).

### **Accrual of Sick Leave**

Full-time regular, probationary, and special employees shall accrue sick leave for hours worked at the rate of eight hours per month of continuous employment. Part-time regular, probationary, and special employees shall accrue sick leave as a pro-rata share of the full-time accrual, based on actual hours worked within the pay period. Sick leave may be accrued to a maximum of 960 hours plus current year accrual up to a maximum of 1056 hours.

Seasonal and hourly employees shall accrue sick leave at a rate of one hour of sick leave for every 30 hours worked with a maximum carryover of 48 hours.

### **Healthy Families and Workplaces Act**

The first 48 hours of sick leave used per calendar year falls under the Healthy Families and Workplaces Act (HFWA). Under the HFWA, employees may use sick leave for absences caused by illness, injury, temporary disability (including pregnancy), medical exams or medical treatment, certain reasons related to domestic abuse (reference Policy #23 Leave of Absence), or due to a public health emergency in which a public official has ordered closure of the employee's place of business or school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

This leave may be used for the employee or the employee's family member including family members related by blood, marriage, civil union, common law marriage, adoption, a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor, and any person whom the employee is responsible for providing or arranging health or safety related care.

In the event of a public health emergency as defined in the HFWA, may be granted up to an additional 80 hours of paid sick leave in accordance with and for the purposes stated in the HFWA.

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## Physician's Statement

During the first 48 hours of sick leave during a calendar year, a physician's statement supporting the use of sick leave and/or the ability to return to work may be required by the employee's immediate supervisor or manager after the employee has been on sick leave for at least four consecutive work days. A physician's statement may be required by Human Resources as permitted by FMLA and is not subject to the four consecutive work days limitation mentioned above.

## General Sick Leave Policies

After the first 48 hours of sick leave is used in a calendar year, employees may utilize sick leave for mental or physical illness, injury, serious health condition, temporary disability (including pregnancy), medical exams or medical treatment unless otherwise limited by policy (reference Policy #30 Worker's Compensation and Policy #26 Family Medical Leave/Family Care Act).

## Sick Leave for Family Care

After the first 48 hours of sick leave is used annually, employees may only utilize up to 12 weeks of accrued sick leave per calendar year for the care of an immediate family member's illness, injury, serious health condition, temporary disability (including pregnancy), medical exams or medical treatment. Immediate family is defined as spouse, parent, guardian, child, brother, sister, grandparents, or grandchild, as well as these relatives in-law, step or half, or any other family member residing in the employee's household. Employees married under common law rules are required to have an approved common law affidavit on file with Benefits and Wellness in order to utilize sick leave to care for common law family members.

## Physician's Statement

An employee's supervisor or manager may request a physician's statement supporting the use of sick leave and/or the ability to return to work any time an employee uses sick leave after their first 48 hours of sick leave in a calendar year. The supervisor should consult with Human Resources prior to requesting a physician's statement for absences to verify use of the first 48 hours of sick leave and to determine whether the absence is FMLA or ADA related.

## Options Upon Sick Leave Exhaustion

Employees must use their accrued sick leave for the reasons listed above prior to using any other type of paid leave. When accrued sick leave, accrued vacation, accrued personal holiday time, accrued compensatory time, and award time have been exhausted, the employee may request the following:

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- Sick Leave Advance: Up to 240 hours of sick leave with pay may be advanced to full-time and part time regular, probationary and special employees upon the approval of the Department Head and Human Resources. Up to 48 hours of sick leave with pay may be advanced to seasonal or hourly employee categories upon approval of the Department Head and Human Resources. Sick leave advance must be repaid by the employee through future sick leave accruals. If an employee separates from City employment prior to completing the repayment, the remaining amount will be deducted from the final paycheck or repaid in accordance with arrangements made through the Finance Office. Sick leave advance is not available for Worker's Compensation leave.
- Sick Leave Without Pay: Sick leave without pay may be granted when illness, injury, or convalescence has exhausted all paid leave. An employee request for such leave must include a physician's prognosis and estimated date of return. Prior to return, an employee must provide Human Resources a physician's statement certifying that the employee is released to resume assigned duties.
- In some circumstances, employees may be eligible for vacation donation upon leave exhaustion. Refer to Policy #20 – Vacation Donation, for more information on this topic.

After considering the specifics of the employee's request and the impact of the employee's continued absence on the operations, the employee's supervisor, in consultation with Human Resources, may approve the request or separate the employee, subject to FMLA or other legal requirements. Managers are required to consult with Human Resources for guidance concerning granting requests for sick leave without pay.

#### Reassignment After Sick Leave Without Pay

Employees returning from a period of sick leave without pay who cannot perform the essential functions of their position should refer to Policy #34, Americans with Disabilities Act (ADA) and Pregnancy Accommodations, and follow the outlined procedures, if applicable.

#### Holidays During Sick Leave

For all employees who work an annual schedule of 2080 hours, holidays observed by the City that fall within a period of sick leave shall not be charged as sick leave. In cases where the length of the employee's normal workday exceeds that of the holiday, the hours in excess of the holiday shall be charged to sick leave.

#### Unused Sick Leave Upon retirement or Death

Employees eligible for sick leave accrual on or before 12/31/10: In the event of retirement, the employer will make a contribution to the Retirement Health Savings (RHS) Plan for half of the accrued sick leave in excess of 480 hours if he or she is eligible to retire on the date of

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Policy # 21  
SICK LEAVE

separation. However, the retirement eligible employee may then defer actually taking the retirement until a later date. Employees with full coverage insurance provided by a spouse or other employment will be excluded from the mandatory RHS Plan and will be paid out for half of the accrued sick leave in excess of 480 hours if he or she is eligible to retire on the date of separation

In the event of death, the employee's estate will be paid for half of the accrued sick leave in excess of 480 hours. Contributions will not be made to the RHS Plan for the employee's estate.

Employees hired or rehired after 12/31/10: These employees are not eligible for payout of unused sick leave upon retirement or death.

Employees in the At-Will Senior Manager Benefit Program should refer to Policy #62.

*Last revised: 01/2021 – 20-662*

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**Policy # 22**  
**LEAVE OF ABSENCE (PAID)**

Personal Job-Related Business Leave

An employee may utilize work time to conduct personal job-related business, such as changing payroll deductions, reviewing personnel records, or counseling with the Equal Opportunity Programs Administrator or Human Resources. Such business must be scheduled at a time mutually agreeable to the employee and the supervisor. The employee need not reveal the nature of such personal business.

Jury Leave Policy

An employee who is called to jury duty shall be granted jury leave-of-absence. Upon return to work, the employee must submit the Juror Service Certificate (or other appropriate proof of jury service) in order to ensure proper completion of payroll records.

- **Full-time Employees:** Full-time regular, probationary, or special employees who are called to jury duty shall be granted jury leave-of-absence and shall be compensated for scheduled hours not worked the first 3 days on jury duty. Such compensation will continue for the fourth day of service and each day thereafter provided jury pay received from the court is surrendered to the Finance Department.
- **Part-time Employees:** Part-time regular, probationary, or special employees who are called to jury duty shall be granted jury leave-of-absence and shall be compensated for scheduled hours not worked for the first 3 days on jury duty. For the fourth day of service and each day thereafter, the employee may choose either the jury pay provided by the court or their regular pay. If the employee elects to receive regular pay, the jury pay received from the court must be surrendered to the Finance Department.
- **Hourly Employees:** An hourly full-time or part-time employee who is called to jury duty shall be granted jury leave-of-absence for County and District Court and shall be compensated for scheduled hours not worked for the first three days not to exceed \$50 per day. Jury service on the fourth and subsequent days shall be charged as jury leave-of-absence without pay.
  - Jury duty by hourly employees in Municipal Court shall be considered jury leave-of-absence without pay.

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Policy # 22  
LEAVE OF ABSENCE (PAID)

- **Shift Workers:** In the case of a shift worker called for jury duty, the immediate supervisor shall make an appropriate accommodation to the employee's work schedule when, in the supervisor's judgment, performing both jury service and the normal work schedule would affect the employee's ability to properly perform such jury service or job duties.
- **Standby Jury Duty:** If an employee is placed on standby by the Court for possible call to jury duty that employee shall report to work, and the immediate supervisor will make accommodations if necessary for the employee to be near a phone and have ready access to personal transportation if called to jury duty.
- **Release from Jury Duty:** Employees released from jury duty during the normal work schedule must return to work.

**Funeral Leave Policy**

A regular, probationary, or special employee shall be granted a funeral leave-of-absence with pay for the purpose of making funeral arrangements, attending a funeral and/or bereavement, not to exceed 40 hours, in the event of the death of a member of the immediate family (spouse, parent, guardian, child, brother, sister, grandparents, and grandchild, including these relatives in-law, step or half, or any other family member residing in the employee's household).

A Department Director/Division Manager or Council/Mayoral Appointee may authorize funeral leave for employee attendance at funeral services for special circumstances including deceased employees.

An employee who attends a funeral for other than the above may be granted vacation, compensatory time, personal holiday, or funeral leave-of-absence without pay.

**Court Leave**

If the City requires testimony in a job-related matter, or participation in a court matter that is within the terms of employment, the employee will be granted court leave with pay. Any witness fees received must be turned over to the City.

The City will not pay an employee for any absences associated with an action brought by the employee against the City and/or any of its employees.

**Council Meeting Attendance**

An employee will be allowed time off with pay to attend a regular or special meeting of City Council when an item affecting the terms or conditions of employment is on the agenda. Operational requirements may require the Division Manager, Deputy Chief or Council/Mayoral Appointee to

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Policy # 22  
LEAVE OF ABSENCE (PAID)

limit the number of employees who may attend such meetings or the amount of time away from the job.

National Guard/Reserves

A regular, probationary, or special employee who is a member of the Colorado National Guard or any branch of the United States Military Reserves shall be granted military leave-of-absence with pay, when ordered by the proper authority to active duty or training, for a period not to exceed 15 calendar days (120 hours of regularly scheduled work time) per calendar year. Military compensation is retained by the employee.

Personal Leave

A regular employee may be granted a leave-of-absence without pay for personal reasons. Personal leaves must be consistent with effective organizational operations and should be requested 30 days in advance or as soon as practicable before the leave.

Administrative Leave

An employee may be placed on administrative leave with or without pay at the discretion of the Mayor, Department Director, or Council/Mayoral Appointee.

*Last revised: 10/13*

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**Policy # 23**  
**LEAVE OF ABSENCE (UNPAID)**

Leaves-of-absence with or without pay shall be approved in advance by the Department Director or Council/Mayoral Appointee.

Court Leave

An employee who is called as a participant in a non job-related legal proceeding shall be granted vacation, personal holiday or court leave-of-absence without pay at the employee's discretion.

Military Leave

When ordered by the proper authority, a regular, probationary, or special employee who is called to active duty or who enters active duty with the Armed Forces of the United States shall be granted military leave-of-absence without pay. The City will comply with any state and federal requirements concerning military leave-of-absence and job reentry.

- **Proof of Service:** Employees returning to the City for employment after active duty must provide a Form DD214 as proof of military service.
- **Years of Service Credit:** Time spent in the military shall be used in computing employee seniority with the City. Upon return from active duty, vacation and years of service credit will be calculated utilizing both the years of military service and City service. The employee shall not be eligible to accrue or receive benefits during the period of military service.

Educational Leave

A regular employee may be granted an educational leave-of-absence without pay to pursue personal educational objectives that are career related and serve the best interest of the City.

Personal Leave

A regular employee may be granted a leave-of-absence without pay for personal reasons. Personal leaves must be consistent with effective organizational operations and should be requested 30 days in advance or as soon as practicable before the leave. The employee must return all City issued property prior to the start of the leave period.

Administrative Leave

An employee may be placed on administrative leave with or without pay at the discretion of the Mayor, Department Director Council/Mayoral Appointee.

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Policy # 23  
LEAVE OF ABSENCE (UNPAID)

Domestic Abuse Leave

An employee who has been employed with the City for twelve months or more is entitled to take three days leave from work in any twelve-month period if the employee is the victim of domestic abuse, stalking, or sexual assault as set forth in §24-34-402.7, leave is taken for purposes outlined in this state statute and the employee meets all other requirements of the Statute. Employees may use paid leave of absence, including vacation and sick leave, if they meet the eligibility requirements for that particular leave. If no paid leave of absence is available, the leave of absence shall be without pay.

Benefits During Leave of Absence Without Pay (Excluding FMLA)

If the leave is no longer than 30 days, employer benefit contributions are continued. If the leave extends beyond 30 days, employer benefit contributions will stop as of the 31st day of the unpaid leave period. Before commencing leave, the employee should meet with Payroll to arrange for payments relating to benefits and PERA notification.

- Health and life plans may be continued at the employee's expense.
- The employee should meet with Payroll to set up an arrangement to protect PERA benefits.
- Commencing with the first day of leave, regardless of the length, there will be no accrual of sick leave or vacation.
- An employee will not be compensated for holidays, vacation, sick leave, or normal paid leaves during a leave of absence without pay.

Maximum Duration of Leave of Absence Without Pay

Depending on the operational needs of the Unit, a leave-of-absence without pay, including extensions, may not exceed 12 months. No employee's total time on leave-of-absence may exceed 12 months in any 24-month period.

Payroll Processing

- **Leave of 30 days or less:** Record by processing the necessary time slips.
- **Leave of 31 days or more:** Prepare and process a PAF.

*Last revised: 01/2021 – 20-662*

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***Policy # 24***  
***FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT***

The City complies with the requirements of the Family and Medical Leave Act (FMLA) of 1993 and Colorado's Family Care Act (FCA). FMLA/FCA provides job protection and maintenance of benefits while employees are out on certain types of leave. The provisions of the City's existing leave policies continue to apply and will run concurrently with FMLA/FCA leave. This policy contains an overview of FMLA/FCA; however, the specific provisions, requirements, and definitions of FMLA and FCA and the related Department of Labor (DOL) regulations will be followed in applying this policy.

**Eligibility**

To be eligible for leave under FMLA, employees must meet the following conditions:

- The employee must have been employed by the City at least 12 months, and
- The employee must have worked for the City at least 1250 hours during the 12-month period immediately preceding the commencement of the leave, and
- Need leave for one of the following reasons:
  - Birth, adoption, or foster care placement of a child within 12 months of birth or placement, or
  - To care for a serious health condition of the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law,, child, or parent, or
  - A serious health condition of the employee that renders the employee incapable of performing the functions of the job, or
  - A qualifying exigency arising out of the covered active duty or call to the covered active duty status in the Regular Armed Forces, National Guard or Reserves of the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter, or parent of an eligible employee, or
  - Military caregiver leave for an eligible employee who is the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter, parent or next of kin of a covered service member or veteran with a qualifying serious injury or illness.

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FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT

Supervisors will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility. Supervisors shall also notify the employees whether or not the leave qualifies as FMLA, if the leave will be designated as FMLA-protected and the amount of leave counted against the employees' leave entitlement. If it is determined that the leave is not FMLA-protected, the supervisor will notify the employee.

Duration of Leave

Eligible employees are entitled to a maximum of 12 workweeks of unpaid leave in any 12-month period. The 12-month period is calculated as a rolling 12-month period measured backward from the date the employee uses any FMLA leave. If the leave is military caregiver leave, eligible employees are entitled to a maximum of 26 workweeks of unpaid leave during a single 12-month period. The 12 month period for this leave is calculated from the first day the leave is taken.

The total FMLA leave that may be taken during a 12 month period (alone or in combination with other FMLA leave) is 26 workweeks. Mandatory overtime will count toward an employee's FMLA time for all types of leave. Any leave beyond FMLA leave will be subject to the City's other leave policies.

Combined Leave

If both partners in marriage, whether pursuant to the provisions of the "Uniform Marriage Act," Part 1 of Article 2 of Title 14 or Colorado common law, are employed by the City and have met the tenure and hours worked requirements under FMLA, the husband and wife may be limited to combined FMLA leave periods in accordance with DOL regulations.

Leave Taken on an Intermittent or Reduced Schedule

FMLA leave may be taken on either a consecutive, intermittent, or reduced basis as provided by FMLA. Such a schedule must be needed for medical reasons and approved by a healthcare provider. Leave due to qualifying exigencies or military caregiver leave may also be taken on an intermittent or reduced leave basis. However, FMLA leave may not be taken on an intermittent or reduced leave schedule for the birth, adoption, or foster care placement of a child unless approved by the Division Manager. The organization may temporarily transfer an employee who is taking FMLA on an intermittent or reduced schedule basis if the alternative position better accommodates the leave, and the leave is foreseeable and based on planned medical care. The alternative position must be equal in pay and benefits. Reduced schedule leave will not affect the status of "exempt" employees.

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FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT

Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued leave to the extent they qualify for that leave in the following order unless previously approved by Human Resources:

- The employee must first draw from available sick or family sick balances as appropriate until exhausted,
- The employee must next draw from compensatory time, vacation, and personal holiday balances in any order until exhausted,
- The employee may then use leave without pay for the remainder of the FMLA leave.

When an employee is receiving worker's compensation payments or disability payments under a disability plan, the employee may not elect, nor may the City require the employee to substitute any form of paid leave for any part of the absence covered by these payments.

Disability leave for the birth of a child and for the employee's serious health condition, including workers' compensation (to the extent it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave.

Advance Notice

If the leave is foreseeable, the employee is required to provide 30 days notice and make a reasonable effort to schedule time off, so that it is least disruptive to the operations of the employer. Otherwise, the employee is required to give as much notice as practicable.

Certification Requirements

Employees are required to provide certification of their need for FMLA leave. There are four certification forms specific to each type of leave: Employee's Serious Health Condition, Family Member's Serious Health Condition, Qualified Exigency, and Military Caregiver Leave. The forms can be obtained from your supervisor, City HR Benefits and Wellness, or the HR Benefits and Wellness Intranet site. Failure to provide complete and sufficient certification may be grounds for discipline and/or denial of the leave.

Certification regarding the health condition of employee, , employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, child, parent, or covered servicemember requires health care provider statements.

Certification for a qualified exigency requires facts supporting the leave request including any supporting documentation. Documentation confirming family relationship, adoption or foster care may be required.

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FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT

The City may require second and third medical opinions at the City's expense. Employees also may be required to provide periodic recertification supporting the need for leave.

If an employee takes leave for a reason that later qualifies as approved FMLA leave, the City may designate all or some portion of the earlier leave taken as leave under this policy.

Benefits During FMLA

When already in effect, immediately prior to FMLA, employer contributions to insurance benefits will continue during FMLA leave to a maximum of 12 workweeks or a maximum of 26 workweeks if the FMLA leave is military caregiver leave. Employees must make prior arrangements with HR Benefits and Wellness to pay the required employee contribution for such benefits while on leave if leave is without pay.

If you choose to make premium payments during your unpaid FMLA, there will be a 30-day grace period after the agreed upon date during which time you must make your premium payments. If you fail to make the required payment, the City has the option to cease coverage on the date the grace period ends as long as it has given you 15 days notice.

Pay Increases

An employee's pay increases will not be reduced due to time off that qualifies as Family Medical Leave.

Failure to Return to Work

An employee who does not return to work upon expiration of FMLA leave may be discharged regardless of remaining sick leave accrual. An employee who fails to return from FMLA leave will be required to refund all employer benefit contributions paid during the unpaid portion of the leave, unless the failure to return results from the continuation, recurrence, or onset of a serious health condition, or something beyond the employee's control.

If an employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, he or she should consult with Human Resources regarding the City's ADA process.

Return to Work

Upon return to work from FMLA leave, most employees will be restored to the same position or to one equivalent in pay, benefits, and other terms and conditions of employment.

If FMLA is based on a personal serious health condition, the employee must provide medical certification that they are able to resume the essential functions of their position when they return to work.

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FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT

Definitions

- **Covered Active Duty:**  
(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and  
(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10.
- **Covered Servicemember:**  
(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or  
(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- **Next of Kin:**  
The nearest blood relative of the injured or recovering servicemember.
- **Serious Injury or Illness for Military Caregiver Leave:**  
(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and  
(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.
- **Qualifying Exigency:**  
Specific and exclusive list of reasons defined by the Department of Labor for which an eligible employee can take leave arising out of the fact that an employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter or parent of the employee is on covered active duty or has been notified of an impending call to covered active duty status in the National

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FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT

Guard or Reserves or Regular Armed Forces. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- **Serious Health Condition:** As defined by the FMLA, including an illness, injury, impairment, or physical or mental condition that may involve any of the following:
  - Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility;
  - Continuing treatment by a health care provider with incapacity of more than 3 calendar days that also involved treatment by a health care provider two or more times within 30 days. The first visit must take place in person and within seven days of the first day of incapacity;  
OR
  - Treatment on one occasion that results in a regimen of continuing treatment (i.e. antibiotics). (Generally, the common cold or flu does not qualify as a serious health condition.) The treatment must take place in-person and within seven days of the first day of incapacity;
  - Pregnancy or prenatal care;
  - Chronic condition requiring periodic visits for treatment such as asthma. Visits for treatment must take place at least twice a year and certification form must be turned in twice a year;
  - Permanent/long term incapacity (severe stroke, Alzheimer's)
  - Absences to receive multiple treatments by or under the supervision, orders or referral of a health care provider and any period of recovery related to the treatments.

**Unlawful Acts**

FMLA makes it unlawful for the City to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

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FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT

Enforcement

- An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City.
- FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Family Care Act Leave

Eligible employees may be provided up to 12 weeks of unpaid leave to care for their Civil Union partners as such are defined pursuant to the “Colorado Civil Union Act,” Article 15 of Title 14; or domestic partner if registered with the municipality in which the person resides or with the State, if applicable, who have serious health conditions. Generally, leave under the Family Care Act is administered consistent with FMLA regulations.

*Last revised: 4/17*

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***Policy # 25***  
***EDUCATIONAL ASSISTANCE***

The City of Colorado Springs offers limited reimbursement for college level coursework directly related to a core competency specific to the employee's current job assignment. Such courses as foreign languages, humanities, art history, physical education, etc., which are necessary to meet degree requirements, are not covered unless the content is specifically related to the employee's job.

Eligibility

All **regular** employees of the City of Colorado Springs, whose performance is rated "meets expectations" (or its equivalent, herein incorporated by reference) or higher are eligible for educational assistance.

Financial Limitations and Reimbursement

- For undergraduate courses, the total reimbursement shall not exceed the current year's University of Colorado, Colorado Springs (UCCS), undergraduate semester-hour tuition rate minus COF (College Opportunity Fund) Stipend per credit for Colorado residents plus certain UCCS mandatory fees.
- For graduate courses, the total reimbursement shall not exceed the current year's University of Colorado, Colorado Springs (UCCS) graduate semester-hour tuition rate for Colorado residents plus certain UCCS mandatory fees.
- Reimbursement for employees pursuing undergraduate programs from schools that do not qualify for the COF stipend will still be limited to the UCCS undergraduate semester-hour tuition rate minus the COF stipend per credit for Colorado residents plus certain UCCS mandatory fees.
- An employee who receives governmental aid or other financial assistance such as grants or scholarships will be eligible for reimbursement for that portion of the approved costs not covered by such assistance.
- An employee who is otherwise eligible for the COF Stipend but fails to register for the Stipend shall not be reimbursed by the City for the tuition cost normally covered by the Stipend.
- Depending on availability of funds, reimbursement, as described above, may include all or part of the tuition and mandatory fees. Reimbursement will be made upon satisfactory completion of the course. Satisfactory completion is defined as a C (2.0) or better for an undergraduate course, and B (3.0) or better for a graduate level course. Copies of tuition

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receipts and the grade reports must be submitted with the request for reimbursement. Classes taken on a Pass/Fail basis do not meet the requirement for satisfactory completion.

- The number and frequency of courses authorized for an employee may be limited at the discretion of the Department Director/Division Manager or Council/Mayoral Appointee and, may not exceed 2 courses per semester, or the equivalent expenditure in educational organizations that do not use a semester program.

#### Coursework Approval

The Department Director/Division Manager or Council/Mayoral Appointee or designee will review and approve/disapprove an employee's request at least once a semester in advance of the class. Requests should be submitted to the Department/Division Human Resources Liaison three weeks prior to the start of class.

#### Repayment

An employee who leaves City employment within 12 calendar months after completion of a course shall be required to repay the total amount of the City's reimbursement for approved courses.

#### Role of Human Resources

Annually, Human Resources will publish the semester hour reimbursement rate for undergraduate and graduate courses. Completed paperwork must be sent to City Human Resources or Department Human Resources (Police and Fire) for final approval.

*Last revised: 01/18*

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## RISK MANAGEMENT

### ***Policy # 26*** **SAFETY**

The City of Colorado Springs recognizes that the safety and health of its employees and the public are paramount concerns in the delivery of its services. Safety shall receive first consideration in the design and performance of any job. The safety and health of employees and the public shall not be compromised to provide expedient service.

#### Department/Division Responsibility

Each Department Director/Division Manager or Council/Mayoral Appointee will use best efforts to ensure that an effective safety and health program is developed, implemented, and maintained. The health and safety program of the Department/Division, with its applicable rules and procedures, shall meet or exceed established federal, state, and city laws as well as accepted industry practices.

The Department Director/Division Manager or Council/Mayoral Appointee shall use best efforts to implement an ongoing program to identify and assess occupational safety and health hazards. Employees shall be provided ongoing training and education relating to preventive measures that minimize or eliminate work place hazards. Employees will be provided with appropriate personal protective equipment and shall be trained in its proper use.

For department/division, supervisor, professional safety staff, employee, and Safety Services section responsibilities, see the Safety Program Manual on the Risk Management intranet home page.

#### Fitness for Duty Approval Process:

Whenever circumstances indicate that an employee may no longer be able to perform an assigned job-related duty/duties or when safety concerns arise, an employee, upon approval of the Human Resources Director, may be ordered to undergo a fitness for duty examination. Such examination will be coordinated through the Risk Management Office.

#### Employee Responsibility

Each employee of the City has a role to play in assuring a safe and healthy work place. The employee's responsibilities include, but are not limited to the following:

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- Be safety conscious at all times.
- Follow established safety and health rules, policies, and procedures in performing work assignments.
- Maintain a valid, appropriate Colorado Driver's license, if required for the operation of City vehicles and equipment.
- Request additional information or clarification on assignments that are unclear and for which there may be a hazard.
- Operate all City equipment, tools, machinery, and vehicles in accordance with manufacturer guidelines, safety practices, and operator training instructions.
- Correctly wear and use all appropriate protective equipment.
- Use lap and shoulder belts, where provided, at all times while operating or riding as a passenger in a City vehicle or private vehicle on City business.
- Wear an ANSI-approved helmet and eye protection when operating a motorcycle, trike motorcycle, moped or scooter on City business.
- Wear a bicycle helmet while riding a bicycle on City business.
- Immediately report to the immediate supervisor and co-workers any unsafe working condition, equipment malfunction, or other situations that could endanger employees or the public.
- Report personal injuries to the supervisor and Risk Management office no later than 48 hours after injury.

#### Accident/Injury Reporting

Employees shall immediately notify their immediate supervisor, the Risk Management Office and, if appropriate, law enforcement authorities, of any accident causing injury to an employee which requires professional medical attention, damage to a City vehicle or property, or damage and/or injury to private property or citizen.

- **Notification of Family Members:** The Department/Division shall be responsible for implementing procedures for the notification of family members. Employees are responsible for providing and updating the name of the individual to be contacted in the event of an emergency. This information should be provided to the employee's Department/Division and to Human Resources.

**References:** Safety Manual; Policy and Procedure # 56, Vehicles (Usage of City-Owned); #57, Vehicles (Employee Responsibilities for City-Owned)

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## **Policy # 27**

### **SECURITY POLICY**

The City of Colorado Springs requires City employees to possess City issued identification cards to enhance security.

#### **Display and Use of Identification Card - Safety**

If the employee's job is of the nature that wearing an object such as an ID card on the outside of their clothing presents a safety hazard, the picture ID is to be on their person and available to be shown upon request.

All full-time and part-time regular, special, and probationary employees, including Council/Mayoral Appointee employees, must possess a City issued picture identification card and display the card as required by department/division or facility policy. Outside agency temporaries will be issued City identification cards only when such issuance is requested by management, and the employment is expected to continue at least 6 months.

City issued identification cards shall be used for official City business only. ID cards will also be required to gain admittance to Colorado Springs Utilities' buildings.

#### **Issuance of City ID Card**

New hires will be photographed and issued the appropriate City identification card as a part of their new employee orientation, except for the following groups:

- Airport
- Police Department
- Fire Department
- Municipal Court
- Some Council/Mayoral Appointees

Employees in the above listed departments will receive an identification card specific to their worksite.

#### **Loss of City ID Card**

Employees must report the loss of a City issued identification card to their immediate supervisor, as soon as the loss is discovered. Employees will be required to pay for replacement cards.

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**Policy # 28**  
**WORKERS' COMPENSATION**

In accordance with the State of Colorado Workers' Compensation Act, employees may apply for workers' compensation benefits for on-the-job injuries. The degree of liability and the amount of the benefit are determined by the State.

The City pays the entire cost of the Workers' Compensation insurance.

Administration of Claims

The Workers' Compensation section of the Risk Management Unit is responsible for the intake, review, and administration of employee workers' compensation claims. Employees who are injured on-the-job must report their claims to the Workers' Compensation section in accordance with their Department's/Division's accident reporting procedures.

Injury Leave/Modified Duty

**Regular, Probationary, and Special Employees:** An employee who is temporarily disabled for more than three regular working days as a result of an injury, which is fully compensable under the Workers' Compensation Act, shall be granted injury leave not to exceed 720 hours per injury. To be eligible for injury leave, the employee must have physician certification, in writing, that the time off is related to the injury. The Colorado Workers' Compensation Act provides payment of temporary disability benefits equal to 66⅔% of an employee's average weekly wage, not to exceed a maximum of 91% of the State average weekly wage. The City, however, will provide 100% wage replacement for compensable injuries or illnesses. Injury leave wage replacement will be paid based upon the wage at the time of disability. Injury leave benefits are paid in place of and are credited against temporary disability benefits due under the Colorado Workers' Compensation Act. There is no double recovery from injury leave and the Colorado Workers' Compensation Act. Injury leave will be considered as part of and administered in accordance with the Family and Medical Leave Act except that employees are not permitted or required to use accrued leave in conjunction with injury leave while on FMLA status. Injury leave shall continue until the first occurrence of any one of the following:

- The authorized treating physician releases the employee to return to modified duty or full duty.
- The employee reaches maximum medical improvement.
- On the date a ruling of permanent disability is made.

In the event the employee exhausts injury leave and is still unable to return to work, the employee becomes eligible for compensation in accordance with the Colorado Workers' Compensation Act,

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C.R.S. Section 8-42-105, which governs state-mandated compensation. When injury leave is exhausted, the employee will be required to supplement state mandated compensation with accrued leave up to 12 hours per week.

#### **Benefit Period Computation**

In computing the 720 hour maximum benefit period, the following hours shall be counted:

- Paid holidays occurring during the recovery period
- Paid leaves
- Unpaid leaves taken when the benefit is a reduced benefit

**Hourly Employees:** Employees shall be eligible for injury leave in the amount of the State-required benefits only.

**All Employees:** An employee on injury leave shall not be placed on-call or in a stand-by mode.

**Modified Duty:** An employee who is unable to perform the essential functions of their position while recovering from an injury, which is fully compensable under the Workers' Compensation Act, may be granted modified duty for a period of time not to exceed 1040 hours. The use of modified duty assignments is governed by the availability of suitable work within the restrictions contained in the physician's release. The employee shall be paid their base wage while working modified duty.

For regular, special and probationary employees, assignments may be made within the department/division or to organizations outside of the employee's regularly assigned work group.

For hourly employees, the use of modified duty assignments is governed by the availability of work within the department/division only.

Eligibility to work modified duty ceases when the employee has been released to return to full duty, is approved for a service/disability retirement, is placed at maximum medical improvement by a designated physician, or has been reassigned as a reasonable accommodation under the Americans with Disabilities Act (ADA).

#### **Penalties**

If the injury is not fully compensable under the provisions of the State of Colorado Worker's Compensation Act provisions, the City benefit shall be reduced by the same percentage as the State assessed penalty. In such instances, the employee may elect to utilize accrued sick leave and vacation to offset the assessed penalties.

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### Restricted Activities

An employee on injury leave or limited duty assignment shall not perform any activities, including other employment, self-employment, sports, hobbies, etc., which may impede recovery from the injury. The authorized treating physician will make the appropriate determinations.

An employee on injury leave or limited duty assignment shall not be placed in on-call or in a stand-by mode. An employee may work overtime within his/her physical restrictions based on operational need.

### Inability to Perform Duties

Should the employee be unable to return to the full range of regularly assigned duties following workers compensation injury leave and/or a modified duty assignment, the employee may:

- Utilize any remaining FMLA leave if eligible;
- Utilize accrued compensatory time and sick leave if he/she is involved in the Americans with Disabilities Act (ADA) process;
- Utilize accrued vacation leave subject to supervisor approval;
- Request sick leave without pay upon exhausting other paid leaves subject to approval by Department Director or Council/Mayoral Appointee;
- Request an accommodation under the ADA;
- Apply for disability retirement if eligible.

The City reserves the right to initiate an involuntary separation from employment in accordance with City Policies and Procedures for an employee who has not reached Maximum Medical Improvement and prior to the exhaustion of available sick leave if the employee:

- Has exhausted all FMLA leave;
- Waives consideration under the ADA, is found to be not qualified under the ADA, or cannot be reasonably accommodated through reassignment; and
- Is unable to perform the essential functions of their job with or without reasonable accommodation; and
- Is not otherwise entitled to legal protections.

Employees may request an ADA accommodation at any time prior to separation of employment, regardless of whether the employee has previously signed an ADA waiver.

Last revised: 9/18

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Policy # 29  
INJURIES (NON-WORK RELATED)

**Policy # 29**  
**INJURIES (NON-WORK RELATED)**

At the discretion of the immediate supervisor, a regular, probationary or special employee who sustains a non-work related injury or temporary disability and is unable to perform the essential functions of their normal work assignment may be placed on light duty. The light duty period shall not exceed ninety (90) calendar days.

Immediate Supervisor's Responsibilities

The immediate supervisor is responsible for ensuring the following:

- Determining if work assignments which meet the treating physician's approval are available.
- Monitoring the employee's on-the-job assignments and performance.
- Monitoring the 90 calendar day limitation.

Medical documents are confidential and must be sent to Risk Management. The Safety Services section of the Risk Management Unit is available to assist the immediate supervisor with the evaluation and assessment of the employee's suitability for light duty assignment.

Alternatives to Light Duty

Should a light duty assignment not be a viable alternative or if an employee is unable to perform the essential functions of their assigned position, the employee may:

- Utilize accrued sick leave or vacation
- Request a sick leave advance, if the medical prognosis is supportive of recovery
- Apply for Family Medical Leave (FMLA)
- Seek employment in another City position for which they are physically fit
- Apply for PERA disability retirement
- Apply for ADA accommodations
- Separate from employment

**References:** Policy and Procedures # 24, FMLA; # 21, Sick Leave; # 34, Americans with Disabilities Act Accommodations; ADA Accommodation Guidelines Manual. The Public Employees Retirement System (PERA) can be contacted via the intranet through the Human Resources web page.

*Last revised: 4/17*

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## **PERFORMANCE MANAGEMENT**

### **Policy # 30 PERFORMANCE MANAGEMENT**

It is the goal of the City to maintain a performance management system that will help provide an opportunity for employees to maximize their potential and deliver the highest level of service to City customers.

#### **System Components**

The performance management system is a year-long, collaborative process between the employee and supervisor that links individual performance to the goals of the work units and the City strategic plan. The process includes three major components:

- Performance Planning
- Coaching and Mentoring
- Performance Evaluation

An individual performance plan will be developed at the beginning of the evaluation period. Performance objectives for each employee will address specific results to be achieved and competencies to be demonstrated in accomplishing those results.

The immediate supervisor and employee should meet periodically to review the plan and determine whether it is still on target or needs to be modified to reflect developments since its inception. The supervisor should use these sessions to discuss perceived strengths, weaknesses, or problems.

At the end of the evaluation period, the employee shall provide a completed self-evaluation to their supervisor. The immediate supervisor then prepares the formal written evaluation. Final performance appraisals are reviewed by the Department Head/Division Managers. Performance ratings are not subject to appeal. Employees may, however, request a meeting with the rater's supervisor and/or provide a written to be included with the evaluation.

The employee's current supervisor at the time the evaluation ratings are due is responsible for the annual evaluation, regardless of changes in position or other supervisors that may have overseen the employee's position during the evaluation period. Collaboration between the supervisors that the employee had during the review period is encouraged.

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### Performance Review During Probation

Performance Management begins the day a new employee joins the City. The Manager/Supervisor is responsible for working with the employee to develop a performance plan within 60 days of the employee's hire date. The employee's performance should be monitored and feedback should occur at regular intervals during this period. At least 30 days prior to completion of the probationary period, the Supervisor should meet with the Human Resources Business Partner (HRBP) to review the employee's performance and make a recommendation on continued employment. For an employee to continue employment, they must be performing satisfactorily in all aspects of the position requirements. Depending on the probationary employee's starting salary, they may be eligible for a pay increase upon satisfactory completion of the probation period.

### Performance Improvement Plans

Employees who are performing unsatisfactorily in any critical function of their job may be placed on a Performance Improvement Plan (PIP). The PIP should identify the problem areas of performance or work behavior and establish a timetable and a plan for correction. Employee signature to the PIP and active participation in the plan are required as a condition of employment. If the employee fails to meet the requirements of the Performance Improvement Plan, they are subject to disciplinary action up to and including termination. If during the PIP period it is determined that the employee is failing to progress satisfactorily, management reserves the right to terminate the improvement period and proceed with appropriate disciplinary measures.

During the period of performance improvement, employees' salaries are frozen and they are not eligible to receive salary increases until they successfully complete the requirements of the PIP. Once they have successfully completed the PIP, employees will receive any increases to which they are entitled. However, increases are not retroactive.

*Last revised: 01/18*

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## **COMPLAINT RESOLUTION**

### **Policy # 31 COMMUNICATION**

It is the policy of the City of Colorado Springs to encourage and promote open, two-way communications throughout all levels in the organization.

#### **Management Responsibility**

Department Directors/Division Managers or Council/Mayoral Appointees are responsible for ensuring that open, two-way communication channels are established and maintained in their units. Directors/Managers should hold regular meetings with their employees and use their best efforts to keep employees informed of developments and changes in both the immediate work group and the City. Directors/Managers should be accessible to employees in order to address concerns and questions in a timely manner.

#### **Employee Responsibility**

Employees should communicate regularly with their supervisor and seek answers to concerns and questions as they arise. Issues in the immediate workplace should be brought to the supervisor's attention.

The City encourages employees to resolve problems with their immediate supervisor prior to seeking other avenues of recourse. If the employee's concern/problem involves the application of policy or procedure and they cannot reach a satisfactory conclusion with their supervisor, then the employee may utilize the Complaint Resolution Procedure.

When the issue is outside the scope of the Complaint Resolution Procedure, or an employee is uncomfortable discussing the situation with their immediate supervisor, the employee may go to any member of their management team, Human Resources, or Equal Opportunity Programs to discuss problems or concerns, or to seek clarification of an issue. Employees will be afforded this opportunity openly and without reprisal. Open door meetings must be scheduled at a time mutually acceptable to all parties.

#### **Alternative Communication Resource**

The City of Colorado Springs contracts with a third-party Employee Assistance Program (EAP) to assist employees with work or personal problems. The EAP is staffed with counselors that are professionals qualified to help employees deal with everyday work-life challenges, as well as, more serious personal issues. The City's contract with the EAP provides an opportunity for each

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employee to have six paid sessions with a professional counselor per problem. The EAP offers services in the following areas:

- Parenting
- Childcare
- Relationship Issues
- Stress Management
- Financial Resources
- School Issues
- Elder Care
- Dependent Care
- Depression
- Substance Abuse

The service is also available for groups that need to resolve conflict, develop team goals and communication, or to deal with a traumatic event. The sessions, which are voluntarily scheduled, are confidential and employees who utilize the service will not be subject to reprisal.

Sessions, which are directed by management to be mandatory to attend, are not confidential and the results will be released to the City.

*Last revised: 4/17*

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FORMAL INTERNAL COMPLAINT RESOLUTION PROCESS

***Policy # 32***  
***FORMAL INTERNAL COMPLAINT RESOLUTION PROCESS***

It is the goal of the City of Colorado Springs to provide prompt resolution of employee complaints through its Complaint Resolution Process. The City of Colorado Springs will not tolerate retaliation against any employee for filing a complaint or for providing information related to a complaint.

**Subject of Complaints**

A formal complaint may be filed relating to an act, omission, or situation involving the interpretation and misapplication of written or verbal policy, procedure, or established practice. Complaints alleging illegal discrimination, harassment, and retaliation may not be filed under this policy. (See Policy and Procedure # 33, Unlawful Discrimination/Harassment/Retaliation).

**Who May File**

Regular, full-time or part-time employees, except for those in their original probationary period. Employees not included in this policy may use the chain of command to resolve concerns that fall within the scope of this policy.

**Preliminary Requirements**

Prior to initiating a formal complaint, the employee should discuss the alleged act or action with their immediate supervisor. If the employee is uncomfortable bringing the issue to their supervisor, he/she should contact the next level of supervision, or consult with the Human Resources Department. The supervisor must respond to the employee's inquiry in writing within a reasonable timeframe. If resolution is not reached, the employee may file a formal complaint.

To file a formal complaint, the employee must complete a City of Colorado Springs Complaint Resolution Form and submit it to their immediate supervisor and/or the next highest level of management, along with a copy to the Human Resources Department. The forms can be obtained from the City's Human Resources Office, or on the intranet - Human Resources/Policies & Procedures/Forms & letters.

**Timeline Requirement**

Formal complaints must be filed no later than 15 working days from the date of the alleged act or action, or the date the employee became aware of the alleged act or action, or from the date the supervisor responded to the employee's inquiry.

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## FORMAL INTERNAL COMPLAINT RESOLUTION PROCESS

### Investigation

Formal complaints will be fully investigated by the Division Manager/Council/Mayoral Appointee or a party designated by the manager or appointee, unless the Division Manager/Council/Mayoral Appointee is involved in, or is the subject of the complaint. Summary results of the investigation will be provided in writing to the complaining employee within 30 working days from receipt of the formal complaint.

### Appeal

If an employee is not satisfied with action taken as a result of the investigation, the employee may appeal the decision one level of management above the decision-maker. The appeal must be in writing and filed within **5** working days of receiving written notification of the decision. Copies of the appeal must be submitted to both the manager who rendered the original decision and the next level of management that will hear the appeal. If the Division Manager made the decision, then the Department Director will hear the appeal. If a Council/Mayoral Appointee made the decision, then the employee may appeal to an alternate Council/Mayoral Appointee. A written response will be provided by the manager hearing the appeal no later than **15** working days from receipt of the appeal.

### General Requirements

- Attorneys are not permitted to appear on behalf of an employee during any phase of the complaint procedure.
- An employee may be accompanied by another regular employee at complaint resolution meetings. The employee will receive their normal compensation and shall not be subject to retaliation.
- Employees may be requested to appear as witnesses at meetings held to resolve complaints. The employees are required to appear and will receive their normal pay. Witnesses shall cooperate with the investigation. The names of employee witnesses must be provided to the manager hearing the complaint in advance in order to arrange for their appearance. The City of Colorado Springs will not tolerate retaliation against any employee for filing a complaint or for providing information related to a complaint.

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## FORMAL INTERNAL COMPLAINT RESOLUTION PROCESS

- If an employee fails to adhere to the filing deadlines, the complaint shall be considered resolved.
- Complaint resolution deadlines may be extended by the Department/Division Manager or Council/Mayoral Appointee for good cause. A request for extension and the subsequent response must be in writing. The respective parties shall each be allowed one reasonable postponement, not to exceed **45** calendar days.

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UNLAWFUL DISCRIMINATION/HARASSMENT/RETALIATION

## ANTI-DISCRIMINATION

### ***Policy # 33***

### ***UNLAWFUL DISCRIMINATION/HARASSMENT/RETALIATION***

The City of Colorado Springs is an Equal Employment Opportunity employer. The City of Colorado Springs will not tolerate any employee engaging in unlawful discrimination, harassment, or retaliation against any employee or applicant because of race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, genetic information, spousal or civil union status, veteran status, or any other status protected by applicable law.

The City has zero tolerance for any form of unlawful discrimination, harassment, or retaliation. The City seeks to establish a diverse and inclusive work environment that is free from unlawful discrimination, harassment, and retaliation.

It is the responsibility of all City employees, managers, and supervisors to conduct themselves in a manner that fosters inclusion and respect for the individual and maximizes every employee's capability to be productive in his or her job.

The following conduct is prohibited:

- **Discrimination:** Unlawful employment actions based on an employee's or applicants race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, spousal or civil union status, genetic information, veteran status, or any other status protected by applicable law.
- **Harassment:** Unlawful acts of intimidation, threats, inappropriate comments, or related actions and behaviors which target an employee or applicant because of his or her race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, spousal or civil union status, genetic information, veteran status, or any other status protected by applicable law.
- **Sexual Harassment:** Unlawful conduct such as unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or any other unwelcome verbal or physical conduct based on a person's sex.

Retaliation: Unlawful conduct against any employee or applicant who opposes acts of unlawful discrimination, harassment, or retaliation or participates in any manner in an investigation, proceeding, or hearing by a federal or state agency charged with enforcement of such laws.

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## UNLAWFUL DISCRIMINATION/HARASSMENT/RETALIATION

### Complaints

An employee who believes he or she has been subjected to actions or behaviors that are forms of unlawful discrimination, harassment, or retaliation must discuss the incident(s) with the appropriate level supervisor/manager in their department/division or the Human Resources Department. If the employee uses an informal resolution process with a supervisor/manager, all complaints must still be reported to the Human Resources Department.

### Discipline

Individuals whose behavior is in violation of this Policy shall be subject to disciplinary action, up to and including termination.

### References

Policy #44, Discipline

*Last revised: 4/17*

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AMERICANS WITH DISABILITIES ACT (ADA) AND PREGNANCY ACCOMMODATIONS

**Policy # 34**

**AMERICANS WITH DISABILITIES ACT (ADA) AND PREGNANCY  
ACCOMMODATIONS**

Compliance

**ADA Accommodations:** The City of Colorado Springs shall comply with Title I of the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments of 2008 by providing reasonable accommodation to qualified employees with disabilities if needed for the employee to perform the essential functions of the job.

**Pregnant Workers Fairness Act:** The City of Colorado Springs shall comply with the Colorado Pregnant Workers Fairness Act (PWFA) of 2016 by providing reasonable accommodation to its employees with health conditions related to pregnancy or the physical recovery from childbirth if needed for the employee to perform the essential functions of the job.

Request for Accommodation

Employees who think that they have a disability or are experiencing a health condition related to pregnancy or the recovery from childbirth that prevents them from performing essential functions of their job and would like to request an accommodation must contact their Human Resources Department.

Once the determination of ADA or PWFA coverage is made, the City will provide a reasonable accommodation unless doing so would result in an undue hardship to the City or cause a direct threat to health and safety.

**References:** The policies and procedures governing the accommodation process are found in the resource manual, ADA Disability Compliance Policy and Guidelines for Managers, located on the Intranet under Human Resources.

*Last revised: 11/16*

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## STANDARDS OF CONDUCT

### ***Policy # 35*** ***STANDARDS OF CONDUCT***

Employees are responsible for meeting reasonable and ethical standards of performance and conduct in their work activities. Managers and supervisors are responsible for providing leadership that creates an opportunity for employees to achieve professional standards of performance and conduct and, at the same time, holding employees accountable for their actions.

#### Conduct Subject to Disciplinary Action

It is expected that the behavior of employees reflects favorably on the employee and the City at all times. The following is a list of offenses for which an employee may receive corrective action up to and including termination. Because it is impossible to list every offense that may occur in the workplace, this list is not all-inclusive. Other conduct may be subject to discipline. The City of Colorado Springs reserves the right to determine the seriousness of an offense at the time the offense occurs and to impose the appropriate level of discipline.

Examples of unacceptable conduct/offenses are listed below.

- Conduct deemed by the City as unbecoming a City employee
- Violation of City or Department/Division written or verbal policies or procedures
- Unsatisfactory work habits to include tardiness, violation of break and lunch policy, departing prior to the designated time, excessive absenteeism, neglecting work duties, or wasting time during work hours
- Smoking anywhere except in a designated smoking area
- Insubordination
- Impairment due to the use of alcohol or non-prescribed drugs
- Consumption, possession, or selling of alcohol or non-prescribed drugs, including standby, on City time or in the workplace
- Failure to adhere to City's policies outlined in the Drug/Alcohol Procedures Manual
- Abuse of prescribed or over-the-counter drugs
- Abuse of paid leave
- Participation in activities, including other employment, self-employment, sports, hobbies, etc., which is inconsistent with paid sick leave, limited duty, or injury leave
- Conducting personal business while on City time

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- Work disruption or stoppage, strike, or other forms of job action, or withholding of services
- Failure to cooperate in a City investigation and provide truthful information in subsequent testimony, as required
- Failure to report the loss of a Colorado driver's license, other required license or certification within 24 hours
- Fraud, falsification, deceit, or departing from the truth
- Unauthorized possession or use of any firearm or prohibited weapon during working hours or in the workplace and/ or in City-owned vehicles. Nothing in this policy prohibits an employee from possessing a weapon in a private vehicle during the workday, so long as, the employee is in compliance with state and local laws. This policy does not prohibit an employee from carrying a concealed firearm in the workplace, except in Colorado Springs Police Department facilities, so long as the employee is in compliance with carry permit requirements and state and local laws.
- Falsification of time sheets, employment application, personnel records, or other organizational records
- Theft, misappropriation, destruction, abuse or waste of public and/or private property, including City tools, equipment, fixtures, facilities, or supplies
- Failing to report criminal charges and/or conviction of criminal charges
- Sexual harassment and other forms of illegal discrimination
- Creating or contributing to an unproductive work environment to include: using one's position to harass another, participating in or allowing horseplay, disorderly conduct
- Fighting, encouraging a fight, acts or threats of physical violence, intimidation, or coercion
- Abusive, offensive, or obscene language or conduct towards the public, City officials, or employees
- Violating safety rules or accepted safety practices
- Failure to report direct or indirect financial interest that could be considered a conflict of interest
- Unsatisfactory job performance
- Unsatisfactory behavior
- **References:** Policy and Procedures # 57, Vehicles (Employee Responsibility of City-Owned); # 39, Business Code of Ethics

*Last revised: 4/17*

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Policy # 36  
WORKPLACE HARASSMENT AND VIOLENCE

**Policy # 36**  
**WORKPLACE HARASSMENT AND VIOLENCE**

It is the City Of Colorado Springs' policy to promote a safe environment for its employees and visitors which is free of bullying, harassment, intimidation, threats, or violent behavior.

The City will not tolerate any action which may be interpreted as one of the following behaviors:

- Acts of bullying or intimidation
- Threatening or hostile verbal or physical behaviors
- Stalking
- Physical or verbal abuse
- Comments regarding violence
- Harassment or assault
- Vandalism
- Arson
- Sabotage
- Unauthorized possession or use of a firearm or prohibited weapon at the workplace

This list is not all-inclusive, and any other acts deemed inappropriate will also be investigated. This includes inappropriate, unwanted behavior whether intentional or unintentional. Other unacceptable behaviors may include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. The City reserves the right to take action against this type of behavior, up to and including termination.

**Reporting Requirements**

Violent, threatening, harassing, intimidating, or other disruptive behavior, including anonymous threats, should not be ignored. Inappropriate humorous comments about violence are also unacceptable. If you observe or experience such behavior by anyone on City property or directed at City employees, whether the person is a City employee or not, you should report it immediately to a supervisor or manager, a Human Resources Manager, Security, or the Risk Management Staff. Supervisors and managers who receive reports should contact Risk Management. If the supervisor is responsible for the behavior, the employee should report to a manager above the supervisor or one of the other contacts listed herein. If the employee believes the situation requires immediate action in order to avert a violent situation, the employee should contact the appropriate law enforcement agency or Security immediately.

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## WORKPLACE HARASSMENT AND VIOLENCE

### Investigation

Any reported violation of this policy will be thoroughly investigated by the Department Director/Division Manager, Council/Mayoral Appointee, Human Resources, or Risk Management. The Workplace Violence Response Team will immediately review reported acts of violence or potentially violent situations. The Response Team is convened and headed by the Division Manager, Risk Management Division Manager or a designee and shall be comprised of representatives from the following groups:

- City Attorney's Office
- Law enforcement agencies
- Medical Professionals (EAP)
- Employee's Division Manager
- Risk Management
- Human Resources

The role of the participant from the City Attorney's Office is to provide legal advice to the Response Team. The Response Team shall make recommendations to the supervisor/manager on how to proceed in regard to the problem employee and the particular circumstances.

### Action Following Investigation

The City of Colorado Springs will take the appropriate disciplinary action based on the findings of the investigation. An employee whose behavior is determined to be in violation of this policy is subject to disciplinary action, up to and including termination.

### Searches

An employee may be subject to a search involving the work site, a City-assigned piece of equipment or property, and/or other items within their personal possession in certain circumstances while on City-owned or City-leased property to the extent allowed by law. During such a search, City property in the unlawful or unauthorized possession of the employee may be confiscated.

### Restraining/Protective Order

An employee who obtains a protective or restraining order against a City employee or another person, which lists City locations as protected areas, must immediately notify their supervisor or other member of management about the order and its status. A valid restraining order means that the holder must have the physical document in their possession, and the named party must have been served the restraining order. For a supervisor to take action on an employee's restraining order the supervisor must see the physical document and verify the following information:

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## WORKPLACE HARASSMENT AND VIOLENCE

- Effective dates of the restraining order
- Date of service of individual
- Distance limits from a specific address
- Contact limits; i.e., phone, physical
- Signature of a judge

When an employee has a valid restraining order in place, their supervisor will inform Security of the restraining order. If the restraining order is violated, the authorities will be notified immediately.

If the restraining order does not name another City employee or identify City locations, the City requests and highly recommends notification in order to alert security.

*Last revised: 4/17*

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Policy # 37  
DRUGS OR ALCOHOL IN THE WORKPLACE

**Policy # 37**  
**DRUGS OR ALCOHOL IN THE WORKPLACE**

An employee shall not report to work under the influence of nor shall their performance be impaired by the use of alcohol or non-prescribed drugs.

An employee is prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage in the workplace or on City property.

An employee who violates these policies is subject to disciplinary action, up to and including termination.

Use of Over-the-Counter or Prescribed Drugs

An employee is permitted to use or possess over-the-counter or medically prescribed drugs in the workplace. Should an employee have reason to believe, or have been informed by their physician or pharmacist, that such use may affect their ability to perform their assigned job duties, the employee shall notify the supervisor.

The employee shall not be required to reveal to the supervisor any medical information relating to their use of such drugs. The supervisor shall protect the confidentiality of the information provided and the privacy of the employee.

Abuse or misuse of over-the-counter or prescription drugs will be considered a violation of policy.

Drug and Alcohol Awareness

The City provides awareness training programs for employees and supervisors.

Employee Assistance Program

The City provides an Employee Assistance Program through which employees and their dependents may voluntarily receive information and confidential assistance regarding drug/alcohol related problems.

Interventions and/or Consequences

Employees are encouraged to take responsibility for their own behaviors and voluntarily seek help through the City's Employee Assistance Program or other professional programs which will assist them in the resolution of drug or alcohol related problems. However, in those instances when an employee exhibits job performance and/or other physical symptoms commonly associated with drug and/or alcohol use, the City may intervene and/or impose consequences appropriate to ensure compliance with this policy.

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Policy # 37  
DRUGS OR ALCOHOL IN THE WORKPLACE

Appropriate interventions and/or consequences shall be determined on a case-by-case basis and may include, but are not limited to, the following:

Administrative leave, with or without pay

- Mandatory assessment by a Substance Abuse Professional (SAP). (The employee shall be required to sign an authorization for release of information, so that the SAP can report the results of the assessment to the Human Resources Manager)
- Drug/Alcohol testing in accordance with the Drug/Alcohol Procedures Manual and/or mandated Federal and State legislation
- In-patient/out-patient treatment and rehabilitation
- Assignment to another position and/or classification
- Employment agreement
- Disciplinary action, up to and including termination
- Work Place Drug Convictions: See Policy and Procedure # 38, Criminal Charges

**References:** Drug/Alcohol Procedures Manual

*Last revised: 4/17*

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## **Policy # 38**

### **CRIMINAL CHARGES**

An employee must notify their immediate supervisor/Division Manager or Council/Mayoral Appointee of any criminal charge no later than 5 working days after such charge is filed. If an employee is hired with pending criminal charges, the employee must immediately report such violation to their supervisor or Division Manager or Council/Mayoral Appointee.

#### **Definition**

Criminal charges include felony, misdemeanor, public and petty offenses, as defined in the statutes of the United States, the State of Colorado, other sovereign states, the city of Colorado Springs, and other city and county governments. Criminal charges shall not include traffic or other charges, which are specifically differentiated and exempted from statutory criminal offenses.

#### **Employee Work Status**

The Division Manager, in consultation with the Department Director or Council/Mayoral Appointee, will determine the appropriate action regarding the employee's status with the City, pending the disposition of the case. An employee against whom criminal charges have been filed may be placed on a leave-of-absence, pending the outcome of such charges. Such leaves-of-absence, including pay status, must be approved by the Department Director or Council/Mayoral Appointee and the Human Resources Manager. In the case of a leave-of-absence without pay, an employee may utilize accrued vacation during this period. The City may proceed with disciplinary action regardless of the status of the criminal case.

#### **Workplace Drug Convictions**

If the employee is engaged in federally funded work covered by the Drug-Free Workplace Act of 1988, the grantee Department/Division shall notify the granting agency within 10 working days after receiving notice from the employee or otherwise receiving official notice of such convictions.

#### **Case Resolution**

**Notification Requirement:** The employee is responsible for notifying the Division Manager of the outcome of the case no later than 5 working days after conclusion of the case. If the Division Manager is unavailable for any reason, the employee must notify the Department Director or Council/Mayoral Appointee. Failure to notify the appropriate personnel may be grounds for termination.

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### Action Following Case Resolution

If one of the following results occur, the employee may be reinstated, including retroactive salary and benefits:

- Employee is found not guilty
- Employee receives a deferred prosecution
- The charges are dismissed/dropped

The City reserves the right to take disciplinary action up to and including termination, regardless of the outcome of the case. Retroactive salary and benefits will not be provided in cases resolved through a finding or plea of guilty, no contest, or deferred sentence.

### Action Following Conviction

The Department Director/Division Manager or Council/Mayoral Appointee will determine the appropriate action upon notification of a finding of guilty, a plea of guilty, no contest, or a deferred sentence.

Factors to be considered in determining the appropriate disciplinary action include, but are not limited to, the following:

- Nature and type of the crime
- Employee's position
- Employee's prior job performance
- Employee's length of service
- Employee's fitness to perform

### Disciplinary Rights

The City reserves the right to take disciplinary or corrective action against an employee, up to and including termination, for violation of any local, state, or federal criminal laws which, in its sole judgment, may render the employee unfit to perform their job, may bring disrepute upon, and/or may compromise the integrity of the City.

*Last revised: 4/17*

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***Policy # 39***  
***BUSINESS CODE OF ETHICS***

The purpose of this policy is to uphold, promote and demand the highest standards of ethical behavior from all employees. This Business Code of Ethics will provide further direction to the City of Colorado Springs Code of Ethics. The policy applies to all employees, appointees and volunteers.

Policy

The City is committed to complete honesty, utmost integrity, fair dealing and ethical behavior as the basis of its business operations and services to the community. The City is committed to strictly observing all laws, and employees are expected to uphold this commitment to legal compliance. Employees should avoid any conduct creating the appearance of impropriety even if those actions do not violate specific policies, standards, regulations or laws.

The City Code of Ethics and this Business Code of Ethics cannot cover all situations where legal or ethical issues may arise and it does not provide all of the information that may be necessary to make informed legal or ethical decisions. Employees should consult with their immediate supervisor. If the immediate supervisor is not the appropriate source of help, employees should contact the next level manager, the City Attorney's Office or Human Resources.

Conflict of Interest

Employees are expected to conduct their activities with the organization's best interest in mind. Behavior is required that does not bring harm or discredit to themselves or the organization. Employees must abide by the conflict of interest provisions in the City Code of Ethics, City Code 1.3.113 through §§1.3.116, and all applicable provisions of the Sworn Policies and Procedures Manual.

Employees must disclose promptly any circumstance that might constitute a conflict of interest or appear to be a conflict of interest. For example, an employee must declare to their supervisor any direct or indirect financial interest in the following:

- Any city-wide contract

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- Any matter before the City Council or its Boards and Commissions
- Any sale of land to the City
- Any material supplies
- Any services to the City
- Any contractor supplying services to the City

The above list is not all inclusive; the City Code of Ethics, City Code §§1.3.101 through 1.3.119, is the governing document. A philosophical or professional difference of opinion does not constitute a conflict of interest.

#### Vendor Relations/Contracting

Employees must conduct the highest ethical practices in source selection, negotiation, determination of awards and administration of all procurement activities. The organization will compete fairly and ethically for all business opportunities. Situations where employees or members of the employee's immediate family have a financial interest are required to reveal their relationship immediately. Employees are committed to meeting all contractual obligations.

#### Customer Interaction

Employees will serve customers with integrity and honesty. Customer response will be conducted with a sense of urgency and will ensure that communication with customers is accurate and timely. Employees will avoid any form of unethical activity or discussion with customers that offers false promises or exaggerated guarantees to customers. Our duty is to deal with customers with integrity, diligence and impartiality and with courtesy, consideration, fairness and promptness. Employees will respect the principle of non-discrimination and equal treatment for all customers.

#### Political Activity

City employees will not do anything related to their official City capacity or while engaged in their official City duties to influence the outcome of the political process. An employee shall not use or permit to use the authority of their position to actively support either a candidate for City Council, a City issue, or any other political candidate or issue. Employees shall not make contributions from City funds or property to any political parties or candidates. Further, no employee shall, on behalf of the organization, attempt to influence another employee's decision to make, or refrain from making, a personal political contribution to a candidate or a party.

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### Truth and Accuracy in Reporting

Employees are required to be truthful and accurate when communicating and reporting all activities. No employee shall engage in fraud, deceit, departure from the truth, or failure to report in any oral or written communication. The organization is committed to financial integrity and proper internal controls. No employee shall falsify any document, record or request, or fail to record proper entries in any book or record for any reason. Organization funds and assets will not be used for any unethical or illegal purpose.

### Confidential information

Employees must safeguard confidential and proprietary information by not transferring, publishing, using or disclosing it unless authorized by the City. Employees must not access or attempt to access systems or physical areas unless properly authorized to do so.

Confidential information is any information or knowledge created, acquired, or controlled by the organization that the organization has determined should be safeguarded from improper disclosure.

### Use of Resources

Employees must demonstrate concern for proper use of assets including personnel, time, property, equipment and funds. The City provides appropriate office equipment, telephones, computers, vehicles and tools for employees to conduct business. These assets must be used for proper purposes during employment with the City. Equipment and tools may not be sold, loaned, given away, or disposed of without proper authorization.

### Reporting Requirements

- Employees must report any conduct that they believe in good faith to be a violation of this policy or the City Code of Ethics. No action shall be taken against any employee who reports a potential violation which they believe is true and accurate. Employees are encouraged to work with their supervisor in making such reports. If there is a reason that reporting a violation to the immediate supervisor is not appropriate, employees should contact their next-level manager, the City Attorney's Office or Human Resources.
- Employees may file a complaint regarding violations of the City Code of Ethics pursuant to City Code§ 1.3.105.
- Employees may also report any suspected fraud and abuse to the City Auditor directly or through the City Auditor Hotline, 719-385-2387.

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### Disciplinary Rights

The City may take disciplinary or corrective action against an employee, up to and including termination, for violation of this policy, the City Code of Ethics, or any state or federal criminal laws which, in its sole judgment, may render the employee unfit to perform their job, may bring discredit upon, and/or may compromise the integrity of the City.

Nothing in this policy alleviates an employee's responsibilities under other sections of the Policies and Procedures Manual, including "Employment Restrictions" and "Other Employment."

*Last revised: 9/18*

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***Policy # 40***  
***HONORARIUMS***

Honorariums

An employee who receives a stipend or honorarium shall surrender it to the City if:

- The employee was authorized to provide the service or assistance to another public agency or private organization.
- The activity was conducted on City time.

The service or assistance provided shall not violate Policy #39, Business Code of Ethics or Section 1.3.104 Gifts, City Code of Ethics.

Policy Statement

Employees may not be:

- Required to provide a favor for another employee.
- Coerced to make a contribution for an employee gift.

*Last revised: 12/08*

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SMOKING AND SALE OF TOBACCO PRODUCTS

***Policy # 41***  
***SMOKING AND SALE OF TOBACCO PRODUCTS***

Smoking in nearly all places of employment is not permitted by law. Any use of other tobacco products in the work environment is not conducive to good health. As a public organization, the City of Colorado Springs should provide a positive example to citizens concerning the use of tobacco. The sale and/or use of tobacco products, including electronic cigarettes and chewing tobacco, are prohibited in all buildings, facilities, and vehicles owned, leased and/or operated by the City of Colorado Springs. This policy applies to employees only while they are working for the City of Colorado Springs. It does not apply during their non-working time (before work, on approved breaks, at lunch or after work) if they are using tobacco products in a public common area.

In order to promote the general health, welfare and well-being of citizens and staff, smoking, chewing or any other use of any tobacco products by city employees is prohibited from all City property unless an area has specifically been designated to allow the use of tobacco. Chewing and spitting tobacco in an area not designated for tobacco use will be treated as a violation of this policy. In addition, each unit must implement, make known, follow and enforce the tobacco free policy. Employees concerned about work environment and environmental smoke problems or complaints should be brought to the attention of the immediate supervisor or Human Resources.

Smoking Areas

Smoking shall not be allowed in building entrances.

The Department Director (or designee) will be responsible for the designation of tobacco use areas in each facility and/or area under his or her supervision. The Mayor (or designee) will be responsible for designating a tobacco use area for the City Administration Building and City Hall.

A copy of the designated tobacco use areas will be submitted to Risk Management for approval prior to the implementation of the policy.

Designated tobacco use areas will not be near air intakes for a building and will not be placed within 50 feet of any employee or public building entrance. An evaluation of all regulatory and safety codes will also be taken into consideration when designating tobacco use areas. Employees using designated tobacco use areas are required to keep the areas clean.

This policy does not restrict the use of tobacco products in outdoor public common areas such as public streets and sidewalks and designated tobacco use areas in outdoor City park and recreation areas.

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## SMOKING AND SALE OF TOBACCO PRODUCTS

### Policy Definitions

For the purposes of this policy, the following definitions apply:

- "City property" means all property owned, leased, rented or otherwise used by the City including but not limited to:
- All interior portions of any building or other structure used for administration, training, support services, maintenance or storage. The term does not apply to buildings used primarily as residences.
- All City grounds over which the City exercises control including areas surrounding any building, recreation areas and parking areas.
- All City vehicles.
- "Tobacco" includes cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing, smoking or both. "Tobacco" includes cloves or any other product packaged for smoking.
- "Use" means lighting, chewing, inhaling or smoking any tobacco product.

### Posting of Buildings and Facilities

All City facilities are required to have posted signs advising of the "No Smoking" restriction. The "No Smoking" sign will universally be used to designate a "no tobacco use" area. The signs shall use the words "No Smoking" and/or the international "no smoking" symbols and shall be conspicuously posted at all public entrances or in a place clearly visible to all who enter the building.

Signs will be posted in prominent places on all City property to notify the public that smoking or use of tobacco products is prohibited in accordance with City policy and/or state law. Signs may be obtained from Facilities Maintenance. Signs must be posted in accordance with existing ordinances. The cost for the signs will be assigned to and become the responsibility of the unit requesting the posting. This policy will be posted on bulletin boards and each manager will be responsible for documenting the communication of this policy to all staff members on at least an annual basis.

### Department Director Responsibility

The Department Directors shall be responsible for verifying that all buildings and facilities under their supervision are properly signed. The Facilities Maintenance section is available to assist with building and facility signs and installation. Department Directors are also responsible for the

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## SMOKING AND SALE OF TOBACCO PRODUCTS

revision of all contracts with vendors and concessionaires for their areas of responsibility upon the effective date of this policy to make sure that they follow the Tobacco Free Workplace policy.

### Enforcement

Issues should be resolved at the lowest level possible. Employees who have concerns about the application of this policy should bring their concerns to the attention of their immediate supervisor. The immediate supervisor will investigate the issues and take appropriate action. If the supervisor fails to take appropriate action, the employee may contact the supervisor at the next level who will investigate the issues and take appropriate action. This process may continue all the way to the Department Director for their areas of responsibility or Mayor for their investigation and resolution of the complaint.

### Policy Violations and Discipline

Employees found in violation of this policy will be subject to appropriate disciplinary action. Repeated violations may result in suspension and/or termination of employment.

### Tobacco Cessation Resources

For resources and information to help employees stop using tobacco products, contact the City's Benefits and Wellness Program at 385-5125.

**References:** City Code, Article 10, Chapter 8, Guidelines for Smoking

*Last revised: 4/17*

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**Policy # 42**  
**POLITICAL ACTIVITY**

An employee shall not use or permit others to use the authority of their position to actively support either a candidate for City Council, a City issue, or any other political candidate or political issue.

Guidelines

Employees will be subjected to discipline for failing to adhere to any of the following guidelines:

- Employees shall not conduct personal political/activity during working hours or while acting in any capacity as a representative of the City. Employees may not use City funds, supplies, resources, vehicles, or equipment for such political activity. City facilities may only be used for political purposes if the employee pays the regularly scheduled fees for such space, and it is not during the employee's work time. No restriction is placed on the use of park land. Personal political activity includes, but is not limited to, the following:
  - Gathering signatures for an initiative.
  - Directly or indirectly participating or assisting in any political campaign on behalf of a candidate or ballot issue.
- An employee's conduct shall not imply or suggest endorsement, support, or alliance with any ballot issue, candidate, or subject matter of any petition gathering on behalf of the City during work hours.
- An employee shall not wear any City uniforms or apparel or use City vehicles displaying the City logo while conducting personal political activity after work hours. Such actions include gathering of signatures to any petition and campaigning for or against a ballot issue or candidate.
- An employee shall not wear buttons, badges, or other items during the work day that promote or refer to a ballot issue or candidate.
- An employee shall not use or permit others to use the authority of their position or employment to actively support a ballot issue or candidate for election.

*Last revised: 11/2020 – 20-588*

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**Policy # 43**  
**GENERAL POLICIES**

Employee Groups

An employee may not be prohibited from, or coerced into, joining an employee group. An employee group, or any member thereof, may not solicit membership or conduct business meetings on City time.

An employee group may, however, with the prior written approval of the Division Manager utilize the following:

- City buildings or facilities after work hours to conduct business meetings
- Interoffice mail system
- Bulletin boards

Dress Codes

Employees are required to dress in attire suitable to their position in order to maintain a good public image and to assure public safety.

Personal Hygiene

Employees are expected to maintain good personal hygiene in order to maintain a good public image and foster harmonious working environments.

Bulletin Boards

Bulletin boards within common areas of public access are designated official City bulletin boards. Information posted on official bulletin boards must pertain to official City business or activities.

Postings on bulletin boards mounted in non-public areas, such as inside various City divisions, are limited to announcements or notices of community events and activities, as well as official announcements.

Bulletin boards in areas such as cafeterias and break rooms may include information contained on the above described bulletin boards and announcements of an upcoming or current event or sale.

No posted notice or message may promote a political, illegal or offensive agenda or material.

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### Search and Seizure

An employee may be subject to a search of the work site, assigned City equipment or property, and other items within their personal possession in certain circumstances while on City-owned or City-leased property. During such a search, City property in the unauthorized possession of the employee may be confiscated.

The decision to conduct such a search is at the sole discretion of the immediate supervisor, security personnel, or other authorized personnel.

### Nepotism

An applicant or employee shall not receive preferential consideration because of a relationship to another employee. No two members of an immediate family (parent, guardian, child, brother, sister, grandparents, and grandchild, including these relatives in-law, step or half, or any other family member residing in the employee's household), excluding spouses or two people who plan to be married, shall be employed in a direct supervisory relationship.

Nothing prevents spouses or two people who plan to be married from working for the City, or same unit, except in the following circumstances:

- One spouse directly or indirectly exercises supervisory, appointment, or dismissal authority or disciplinary authority over the other spouse.
- One spouse would audit, verify or receive, or be entrusted with monies received or handled by the other spouse.
- One spouse has access to the other spouse's confidential information, including payroll and personnel records.

Should marriage or any other event cause a violation of this policy, either employee must, within 90 days, secure other employment which does not violate this policy or resign.

The application of this policy will apply prospectively; therefore, current employees in assignments which violate this policy are exempt from its application in their current positions. If an employee seeks a transfer or promotion, the new assignment cannot put the employee in greater conflict of this policy, than they have in their current position.

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### Visitor(s) in the Workplace

The City of Colorado Springs allows visitors in the workplace on a limited basis. "Visitor(s)" for the purpose of this policy includes family members, friends, students, mentees, and other persons whose visits to City facilities are not for the primary purpose of conducting business with the City. Facility security protocols and department specific policies address visits to City facilities by customers, vendors, and/or job candidates.

When receiving Visitors in the workplace, employees must ensure there will be no negative impact to the workday and no disruption to City operations or to other employees in the performance of their daily job duties. To protect the safety and welfare of employees and guests, Visitors should generally be escorted by a City employee at all times while in City facilities when not in a public area.

Visitors cannot be left alone in City facilities, and cannot be left with employees that they are not there to visit.

Minors that visit the workplace of sworn personnel must be accompanied by an adult Visitor in case the employee is called away suddenly.

The Department Director or Chief may make an exception to this policy in consultation with Human Resources.

This policy does not replace ridealong policies. Employees should refer to internal departmental policies for guidelines on ridealongs and other department specific information.

### Visitors to City Work Sites

The City occasionally hosts visitors in the workplace for organized events such as site tours and job shadow. All visitors will be subject to the same responsibilities for workplace safety and conduct as City employees. The City shall enforce the use of such safety practices and equipment to visitors. Employees shall immediately notify their immediate supervisor and the Risk Management Office of any incident causing injury to a visitor.

*Last revised: 01/2021 – 20-662*

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## ***Policy # 44*** ***DISCIPLINE***

It is the policy of the City of Colorado Springs to provide a system of discipline which affords an opportunity for the resolution of unsatisfactory employee performance or conduct. The system includes an appeal procedure.

### **Coverage**

The City of Colorado Springs reserves the right to determine the seriousness of an offense and the appropriate level of discipline.

### **Types of Offenses or Grounds for Discipline**

- Inappropriate conduct (see Policy and Procedure # 35, Standards of Conduct; # 36, Workplace Harassment; # 37, Drugs or Alcohol in the Workplace; # 38, Criminal Charges; # 39, Business Code of Ethics; # 40, Gratuities, Honorariums and Gifts; # 41, Smoking and Sale of Tobacco Products; and # 42, Political Activity).
- Violations of City policies and procedures.
- Failure to take corrective action in response to prior discipline or a performance improvement plan.
- Unsatisfactory job performance (two consecutive performance reviews, no less than 30 days apart, with "Needs Improvement" ratings).

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### Role of Supervisors/Management

The appropriate level of supervisor and/or manager, as indicated below, is responsible for the following actions:

- Conduct inquiry into allegations and determine level of investigation.
  - Determine whether employee actions warrant discipline.
  - Determine the appropriate level of discipline.
  - Notify employees in writing of disciplinary action, excluding verbal reprimands.
  - Prepare, in conjunction with the employee, the performance improvement plan, as appropriate.
- Coordinate and conduct disciplinary appeal hearings.
- Conduct the pre-termination meetings (Division Managers, Department Directors, or Council/Mayoral Appointees) in accordance with Policy and Procedure # 46, Pre-Termination Meeting.

### Role of Human Resources

Human Resources shall provide the following support:

Advise supervisors and managers concerning appropriate investigative methodology and disciplinary alternatives.

- Maintain the record of disciplinary action in the employee's official personnel file
- Coordinate and facilitate the peer review process.

Coordinate the recording of all disciplinary appeals.

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Policy # 44  
DISCIPLINE

DISCIPLINARY ACTIONS			
Authority: The City reserves the exclusive right to determine the type and level of disciplinary action.			
Discipline	Type of Offense	Terms	Subject to Appeal
<b>Verbal Reprimand</b>	<ul style="list-style-type: none"> <li>Minor incidents of misconduct or policy violations</li> </ul>	<ul style="list-style-type: none"> <li>Imposed by all levels of supervision and management</li> <li>Informal written record maintained by the immediate supervisor</li> </ul>	No
<b>Written Reprimand</b>	<ul style="list-style-type: none"> <li>Failure to take corrective action</li> <li>Serious policy violations or incidents of misconduct</li> </ul>	<ul style="list-style-type: none"> <li>Imposed by all levels of supervision and management</li> <li>Written record maintained in the employee's official personnel file</li> </ul>	No. Response to reprimand may be prepared by employee and placed in personnel file within 10 days of issuance. Employee may request removal of reprimand by the Department Director two (2) years from date imposed, as long as no additional discipline has occurred.
<b>Suspension Without Pay</b>	<ul style="list-style-type: none"> <li>Failure to take corrective action</li> <li>Serious violations of policy or incidents of misconduct</li> </ul>	<ul style="list-style-type: none"> <li>Imposed by the following levels of management, for time periods indicated: Division Managers, Deputy Chiefs, Battalion Chiefs and Commanders up to 60 working days/Department Directors up to 90 working days/ Mayor/Council/Mayoral Appointee up to 120 working days.</li> <li>Personnel Action Form (PAF) required.</li> </ul>	Yes-To the Department Director/ Council/Mayoral Appointee. Suspensions without pay greater than 30 hours may also be appealed to Peer Review. Suspensions without pay will not be removed from an employee's file for record keeping purposes.
<b>Suspension With Pay</b>	<ul style="list-style-type: none"> <li>Inability or unwillingness to perform important job functions</li> </ul>	<ul style="list-style-type: none"> <li>Imposed by all levels of supervision and management</li> <li>One day written and signed Performance Improvement Plan executed by the employee and supervisor required for continued employment.</li> <li>Failure to agree may result in additional disciplinary action.</li> <li>Requires prior review by next higher level of management</li> </ul>	No
<b>Reduction in Pay</b>	<ul style="list-style-type: none"> <li>Serious violations of policy or incidents of misconduct</li> </ul>	<ul style="list-style-type: none"> <li>Imposed by Division Manager, Department Director, Council/Mayoral Appointee or Mayor .</li> <li>Reductions in salary up to 30 days pay, prorated over an appropriate period of time.</li> <li>Personnel Action Form (PAF) required.</li> </ul>	Yes-To the Department Director/ Council/Mayoral Appointee or Peer Review
<b>Involuntary Demotion</b>	<ul style="list-style-type: none"> <li>Unsatisfactory job performance</li> <li>Disciplinary reasons relating to a serious violation or incident</li> <li>Failure to take corrective action regarding previous discipline</li> </ul>	<ul style="list-style-type: none"> <li>Imposed by Division Manager, Department • Director, Council/Mayoral Appointee or Mayor</li> <li>Salary reduced to new classification Coordinated with the Human Resources Manager</li> <li>Other review with the next higher level of management</li> <li>Personnel Action Form (PAF) required.</li> </ul>	Yes-Supervisors/Managers who are not at-will may appeal to the Department Director/ Council/Mayoral Appointee. Any employee not in a supervisory or managerial capacity may appeal to Management or Peer Review.
<b>Termination</b>	<ul style="list-style-type: none"> <li>Failure to correct unsatisfactory performance identified in a performance improvement plan</li> <li>Disciplinary reasons relating to a serious violation or incident</li> <li>Failure to take corrective action regarding previous discipline</li> <li>Failure to correct problem behavior identified in a performance improvement plan</li> </ul>	<ul style="list-style-type: none"> <li>Imposed by Division Manager, Department Director, Council/Mayoral Appointee or Mayor</li> <li>Pre-termination meeting required</li> <li>Severance pay option may be an alternative and can only be granted by the Mayor upon approval of the City Council</li> <li>Personnel Action Form (PAF) required.</li> </ul>	Yes-To the Department Director/ Council/Mayoral Appointee

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**See Policy and Procedure #45 for Appeal information.**Disclosure Requirements

At the conclusion of the discipline process, all disciplinary actions, except verbal reprimands, require that the employee be notified in writing of the following:

- Violation or incident
- Required corrective action
- Consequences of additional violations or incidents
- Appeal rights and procedures for filing an appeal

Record Retention of Disciplinary Action

Records of disciplinary action will be maintained and distributed in accordance with the chart below.

Disciplinary Action	Employee	Immediate Supervisor	Division Manager	Department Director Council/Mayoral Appointee	Human Resources Personnel File
Verbal Reprimand		X			
Written Reprimand	X	X	X	X	X
Suspension (With or Without pay)	X	X	X	X	X
Reduction in Pay	X		X	X	X
Involuntary Demotion	X		X	X	X

*Last revised: 9/12*

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## ***Policy # 45*** ***APPEAL PROCEDURE***

The appeal procedure is available to all regular City and Council/Mayoral Appointee employees who have been disciplined in accordance with Policy and Procedure # 44, Discipline, and are dissatisfied with the disciplinary action. Since some disciplinary actions may not be appealed, Policy and Procedure # 44, Discipline, should be reviewed prior to initiating any appeal.

### **Time Limits for Appeal**

An employee who wants to exercise their appeal rights must complete the City of Colorado Springs Appeal Form and submit it to the appropriate party within 10 working days from the date the employee was informed in writing of the disciplinary action. The appeal hearing will be scheduled within 20 working days.

Appeal procedure time limits may be extended for good cause by the Department Director/ Council/Mayoral Appointee or the Peer Review Panel. Requests for extension and the response to such requests shall be in writing. The employee and the City of Colorado Springs shall each be allowed one reasonable postponement in the proceedings. A reasonable postponement shall not exceed 45 calendar days.

### **Appeal Options**

Employees may appeal to a higher level of management in their department or under certain circumstances to Peer Review. Policy #44, Discipline, should be reviewed to determine which disciplinary actions may be heard by a Peer Review panel. If the Division Manager issued the discipline, then the employee appeal to management would be heard by the Department Director. If the Department Director issued the discipline, the appeal would be to the Mayor, or Mayor designee. If the Mayor imposed the discipline, then the employee may appeal to Peer Review or a Council/Mayoral Appointee.

If a Council/Mayoral Appointee employee is disciplined by a supervisor, the management appeal is to the Council/Mayoral Appointee. If the Council/Mayoral Appointee imposed the discipline, the appeal is to an alternate Council/Mayoral Appointee or to Peer Review.

### **The Appeal Form and Filing**

The Appeal Form can be obtained from Human Resources or on the Intranet under Human Resources.

If the employee is appealing to management, the completed appeal form should be given to the Department Director or Council/Mayoral Appointee and a copy to the manager/supervisor who

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imposed the discipline. If a City employee selects the Peer Review appeal option, the completed appeal form should be given to a Human Resources Manager and a copy to the manager/supervisor who imposed the discipline. If a Council/Mayoral Appointee employee is appealing, the form should be given to the Appointee for appeal to an alternate Council/Mayoral Appointee and to Human Resources for an appeal to Peer Review.

#### Attendance

- The employee may be accompanied by another regular employee.
- Employees may be requested to appear as witnesses. If so requested, employees must attend the hearing.
- An employee attending the hearing shall receive their normal pay.
- The City of Colorado Springs will not tolerate reprisal against any employee involved in a hearing.
- Employees and managers shall prioritize all hearings and adjust schedules to accommodate attendance.

#### Management Appeal Hearing Procedure

The hearing is administrative in nature and the Colorado Rules of Evidence are inapplicable.

- The Manager should be prepared to present the facts relating to the termination decision.
- The employee shall have the opportunity to present evidence and the reasons the disciplinary or termination decision should be changed.
- The employee may be represented by an attorney.
- Either party may call witnesses who can provide relevant information
- Names of employee witnesses should be provided to the Hearing Officer or Facilitator in sufficient time to arrange attendance at the hearing.
- Supervisor and employee shall present their positions utilizing witnesses, cross-examination, arguments, rebuttal, documents, or other evidence.
- All hearings will be recorded and kept in Human Resources.
- The employee shall be notified in writing within the prescribed time limits of the result of the hearing.

#### Hearing Record

All appeal hearings will be recorded and kept in Human Resources. Transcripts are available upon request, and the cost must be paid by the requesting employee.

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Policy # 45  
APPEAL PROCEDURE

Decisions

The decision-making authority hearing the appeal may affirm, deny, or modify (increase or decrease) the previously imposed disciplinary action. All decisions are final and binding and will be rendered in writing within 10 working days of the proceeding.

Records

If the appealed disciplinary action is reduced or overturned, the related documentation in the employee's personnel records will be adjusted accordingly.

Peer Review

The Peer Review Panel will operate under procedures detailed in Policy and Procedure # 48, Peer Review Operating Guidelines.

*Last revised: 4/17*

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***Policy # 46***  
***PRE-TERMINATION MEETING***

No regular City or other Council/Mayoral Appointee employee shall be terminated without being afforded a pre-termination meeting.

**Management Responsibility**

The Department Director/Division Manager or Council/Mayoral Appointee shall schedule and conduct the pre-termination meeting. In cases where the Department Director/Division Manager is unavailable or unusual circumstances create a conflict of interest, the employee will meet with the next highest level. If a Council/Mayoral Appointee is unavailable or circumstances create a conflict of interest, another Council/Mayoral Appointee shall be designated to serve in this capacity.

**Notice Requirements**

The employee shall be provided advance written notice of the meeting that shall include the following:

- Purpose of the meeting.
- General statement of allegations.
- Proposed action to be taken.
- Assurance that the employee will have the opportunity to respond to the allegation and the evidence.

**Procedure**

The meeting is an internal matter to be determined by the City.

- The Director/Manager should be prepared to state the facts relating to the possible termination.
- The employee shall have the opportunity to respond to the allegations and present evidence and the reasons the decision to terminate should not be finalized.
- Either party may submit a list of individuals who have relevant information.
- All pre-termination meetings will be recorded.

**Attendance**

- The employee may be accompanied by another regular employee.
- An employee attending the hearing shall receive their normal pay.
- The employee may have an attorney present, but the attorney may not participate in the proceeding.

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Policy # 46  
PRE-TERMINATION MEETING

Meeting Record

All pre-termination meetings will be recorded. Transcripts are available upon request from Human Resources; however, the cost must be paid by the employee making the request. The City of Colorado Springs will not tolerate reprisal against any employee involved in a pre-termination meeting.

Decision

Following the pre-termination meeting, the Department Director/Division Manager or Council/Mayoral Appointee may conduct further investigation and request additional information from any or all of the parties. After consideration of the evidence, the decision-maker will make one of the following decisions:

- To terminate
- To impose the discipline
- To eliminate the discipline
- To accept resignation

The decision shall be communicated in writing to the employee with a copy to Human Resources for inclusion in the employee's personnel file.

*Last revised: 4/17*

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DISCIPLINARY APPEAL AND POST-TERMINATION HEARINGS

***Policy # 47***  
***DISCIPLINARY APPEAL AND POST-TERMINATION HEARINGS***

Regular full-time and part-time City and Council/Mayoral Appointee employees in Bands 3 through 6 are entitled to a due process hearing following disciplinary action subject to appeal as specified in Policy and Procedure # 44, Discipline, and involuntary demotions as defined in Policy and Procedure # 3, Employment Changes.

Attendance

- The employee may be accompanied by another regular employee.
- Employees may be requested to appear as witnesses. If so requested, employees must attend the hearing.
- An employee attending the hearing shall receive their normal pay.
- The City of Colorado Springs will not tolerate reprisal against any employee involved in a hearing.
- Employees and managers shall prioritize all hearings and adjust schedules to accommodate attendance.

Procedure

The hearing is administrative in nature and the Colorado Rules of Evidence are inapplicable.

- The Manager should be prepared to present the facts relating to the termination decision.
- The employee shall have the opportunity to present evidence and the reasons the disciplinary or termination decision should be changed.
- The employee may be represented by an attorney.
- Either party may call witnesses.
- Names of employee witnesses should be provided to the Hearing Officer or Facilitator in sufficient time to arrange attendance at the hearing.
- Supervisor and employee shall present their positions utilizing witnesses, cross-examination, arguments, rebuttal, documents, or other evidence.
- All hearings will be recorded and kept in Human Resources.
- The employee shall be notified in writing within the prescribed time limits of the result of the hearing.

*Last revised: 4/17*

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***Policy # 48***  
***PEER REVIEW OPERATING GUIDELINES***

It is the objective of the City of Colorado Springs to provide timely resolution of disputes involving disciplinary actions. The Peer Review Process is provided as an alternative to the traditional management review of employee appeals of discipline.

Scope of Authority

The Peer Review Panel has the authority to affirm, modify (increase or decrease), or overturn the disciplinary action. The panel's decision is final and binding.

Questions the Panel may have regarding the correct interpretation of the City of Colorado Springs Policies and Procedures Manual, shall be directed to the Human Resources Manager or designee.

The Peer Review Panel may not hear appeals involving employee allegations of unlawful discrimination, harassment, or retaliation. If an employee believes the basis of the disciplinary action is illegal discrimination, harassment, or retaliation, then the employee should follow the appeal procedure set forth in Policy #45, Appeal Procedure.

The Peer Review Panel shall not hear any appeals of termination, appeals of suspension without pay for 30 hours or less, or appeals of involuntary demotions for employees in a supervisory or managerial capacity. For appeals related to these actions, the employee must comply with Policy #45, Appeal Procedure, and Policy #47, Disciplinary Appeal and Post-Termination Meetings.

Eligibility

This policy will be for all regular, full-time, and part-time City and Council/Mayoral Appointee employees, with the exception of at-will employees.

Procedure

If the Peer Review Panel is selected, the employee must sign a Waiver of Due Process Rights. The initial panel meeting will be held within 20 working days following receipt of the appeal. A final and binding decision will be given in writing the day of the panel hearing, except in unusual circumstances.

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## PEER REVIEW OPERATING GUIDELINES

- **Time Limits:** Managers and employees are encouraged to work together to resolve disputes as quickly as possible. Time limits may be extended for good cause by the Department
- **Director, Council/Mayoral Appointee, Peer Review Panel, or Panel of Appointees.** Requests for extension and the response to such requests shall be in writing. The employee and the City of Colorado Springs shall each be allowed one reasonable postponement in the proceedings. A reasonable postponement shall not exceed **45** calendar days.
- **Statute of Limitations:** An employee who chooses the Peer Review Option must initiate a request for a Peer Review Panel hearing no later than **10** working days after the employee was notified of the disciplinary action.

### The Peer Review Facilitator

The primary facilitator (or an alternate facilitator if the primary facilitator is unavailable) will coordinate each Peer Review hearing. The role of the facilitator includes keeping the meeting focused on the issue before the panel, administering the oath to witnesses providing testimony, and guiding the panel on issues of evidence admissibility, relevance and cumulative witness testimony. The facilitator does not give opinions on the matter before the panel or vote on its outcome. The individual selected will process paperwork, summon witnesses, handle meeting logistics, and perform related tasks so that the panelists can concentrate on reaching a timely, fair decision. If the Facilitator has a conflict of interest with the case, he/she cannot serve with that panel. The Facilitator has **24 hours** to notify the panelists that they've been selected as a panelist.

### The Peer Review Panel

Each Peer Review Panel consists of five voting members (three peers and two non-peer employees). All eligible employees and managers (excluding managers at the executive level) will have the option of volunteering to be panelists. Employees who have been the subject of disciplinary action or who have been on a Performance Improvement Plan or Last Chance Agreement in the preceding 12 months are not eligible to serve as panelists.

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Policy # 48  
PEER REVIEW OPERATING GUIDELINES

A	B	C
NONEXEMPT EMPLOYEES	EXEMPT(NON-MANAGERIAL) EMPLOYEES	MANAGERS

Box A will contain all nonexempt peer employees who are eligible to serve as a panelist.

Box B will contain exempt non-managerial employees who are eligible to serve as a panelist.

Box C will contain all managers who are eligible to serve as a panelist.

Training of new panelist(s) will be coordinated by Human Resources to ensure that the training requirement is satisfied. Employees and managers will be selected to ensure that the pool of panelists represents a cross section of the organization.

Selection Process

- **Nonexempt Employees:** The employee will randomly select six names and choose three from Box A. The employee will then randomly select four names from Box C and choose two to serve as panelists and of those not selected, one from each peer and Non-Peer box will serve as an alternate.
- **Exempt (Non-managerial) Employees:** The employee will randomly select six names and choose three from Box B. The employee will then randomly select four names from Box C and choose two to serve as panelists and of those not selected, one from each peer and Non-Peer box will serve as an alternate.
- **Managers Below Bands 1 and 2:** The employee will randomly select six names and choose three from Box C. The employee will then randomly select four names from Box A and/or Box B and choose two to serve as panelists and of those not selected, one from each Peer and Non-Peer box will serve as an alternate. If the employee is a manager or supervisor, the panel members selected from Box C must be in the same Band or higher.

Conflict of Interest

To avoid conflicts of interest, panelists must disqualify themselves from a case in the following circumstances: 1) the panelist is related to any person involved with the appeal (including witnesses), 2) the panelist feels they may not be able to maintain their impartiality because of personal knowledge regarding the facts before the panel, or 3) the panelist has supervised or been in a reporting relationship with the appealing employee and/or the manager issuing the discipline. Under no circumstances is any person forced to serve as a panelist. In the event of someone declining or being disqualified after the manager's review, the facilitator will contact the employee,

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## PEER REVIEW OPERATING GUIDELINES

and he/she will select two more names from the box from which the panelist declined and choose one to replace the panelist.

### Other Relevant Information

Panelists and facilitators are certified after completing a special training course. They shall maintain complete confidentiality at all times, except in cases where information regarding illegal conduct or information that is damaging to the organization is discovered through the Peer Review Process.

If they wish, employees can receive assistance in utilizing the process from Human Resources. The person who is filing the appeal must go before the panelists without legal representation. Witnesses must appear before the panel alone.

### Scheduling the Meeting

Managers, employees and other witnesses will prioritize the meeting and timely adjust schedules to accommodate the meeting, as feasible.

### The Peer Review Meeting

The panel will interview the employee filing the appeal, the supervisor, and any other witnesses with relevant information about the case. If both the employee and the supervisor agree, both parties may be present during witness testimony for the entire peer review hearing. The supervisor and the employee may not call witnesses; may not cross-examine, argue or rebut witness testimony or evidence; may not direct statements or questions to the panel; and may not be present during panel deliberations. However, both the supervisor and the employee will have the opportunity to give closing statements prior to deliberations. If employees are requested to appear as witnesses by the panel, they are required to appear. All witnesses providing testimony will take an oath before testifying. If any employee is found to have knowingly provided false or misleading testimony, that employee is subject to disciplinary action, up to and including termination, and may also face criminal charges. In all cases, employees shall receive their normal pay and not be subject to reprisal. The employee/supervisor has the right to bring any pertinent information to the hearing. The Panel may request explanation of legal matters from the City Attorney's Office. After all evidence has been reviewed, the panel will vote by secret ballot to affirm, modify, or deny the employee's proposed remedy. Votes are counted until three like votes are found, then all votes are destroyed. Each panelist agrees in advance to sign the final decision form, regardless of his/her personal feelings about the case, and to treat all information as confidential.

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## PEER REVIEW OPERATING GUIDELINES

The employee and the supervisor/manager will be notified in writing of the panel's decision the day of the hearing, except in unusual circumstances, but no later than **10** working days after the conclusion of the panel hearing.

Appeal record files are confidential, and will be maintained separately from the employee's personnel files by Human Resources, except in cases where a disciplinary action was upheld or modified. In these cases, the disciplinary action, or modified disciplinary action will be placed in the employee's personnel file along with the summary of the panel. Access to this file will be managed by Human Resources. These records will be accessible only on a "need-to-know" basis. By written request from the employee, a copy of an appeal and related response(s) may be placed in the employee's personnel file.

Appeal hearings before Peer Review Panels will be recorded and the tapes kept by Human Resources.

### Responsibilities

- Any employee filing an appeal is responsible for following established Peer Review Panel procedures, respecting the rights, obligations, and confidentiality of all others involved in this procedure and seeking a fair resolution to the issue.
- Panelists are responsible for conducting thorough investigations, for making consistent judgments on appeals, maintaining confidentiality, and for following the "Code of Ethics" (Attachment B).
- The Facilitator will have responsibility for scheduling meetings, contacting panelists and providing all necessary resources to conduct the meeting. The Facilitator will also open and record the Panelists' ballots until a majority decision is recorded, will ask the panel to sign the appeal form, and deliver the decision to the employee and manager/supervisor. After reviewing all relevant information, the Facilitator is responsible for issuing a confidential summary of the case. The anonymous summary (with involved names removed) will be made accessible to future Panelists. The Facilitator is responsible for conveying information of a harmful or illegal nature to management. The facilitator will, in concert with the City Attorney's Office, assure the legality of the findings of the Peer Review Panel.
- The Human Resources Department is responsible for proper and consistent administration of this policy.
- All personnel involved in appeal reviews and investigations are responsible for maintaining confidentiality of information. Any violation of this confidential information will result in disqualification from future panels and possible disciplinary action and/or legal liability.

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PEER REVIEW OPERATING GUIDELINES

- City of Colorado Springs may choose not to provide the employee with legal representation if the legal action is taken by an employee against a panelist for violating confidentiality surrounding Peer Review proceedings.

*Last revised: 11/16*

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## GENERAL

### ***Policy # 49*** **MANAGEMENT RIGHTS**

The City has the exclusive right to establish the City's mission, set organizational structure, and determine staffing needs and considerations.

The City shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of, and manner in which, the City's activities are conducted, managed, and administered, and all employees will recognize the exclusive right of the City to establish and maintain rules and procedures for the administration of its Departments and Divisions.

The City has the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City. Every incidental duty connected with operations enumerated in class specifications is not necessarily described; nevertheless, it is intended that all such duties shall be performed by the employee. The City shall determine assignments, and establish methods and processes by which assignments are performed.

The appointing authority or designee reserves the right to discipline or terminate employees subject to appropriate policies and procedures.

The City has the exclusive right to transfer employees to like positions and classifications with the same pay range within their current department or division to best meet the needs of the City.

*Last revised: 4/17*

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***Policy # 50***  
***FREEDOM OF SPEECH***

The City will comply with state and federal laws concerning freedom of speech for public employees.

*Last revised: 4/17*

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***Policy # 51***  
***RELEASE OF PUBLIC INFORMATION***

The intent of this policy is to ensure that the public receives accurate, thorough, and timely information on the City of Colorado Springs.

In addition to the Department Director or Council/Mayoral Appointee, each City Department shall designate a media liaison(s) for each unit within the Department who will respond to media requests for information and interviews. Department Directors or Council/Mayoral Appointees and media liaisons are authorized to make public statements about the operations and issues concerning Department policy. All requests for interviews should be coordinated with the Public Communications Division Manager.

In accordance with the Colorado Open Records Act, requests for written materials should be received in writing and coordinated through the Public Communications Division.

Group Support Manager/Council/Mayoral Appointee Responsibility

The Department Director or Council/Mayoral Appointee shall be responsible for responding to media interviews, and for designating media liaison(s).

*Last revised: 4/17*

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***Policy # 52***  
***OPEN RECORDS ACT COMPLIANCE***

The City of Colorado Springs is subject to the Colorado Open Records Act, Colorado Revised Statute § 24-72-201, et seq. (CORA), which grants the right to inspect and copy public records.

Additional information regarding CORA compliance can be found in the City's CORA Policy. Questions regarding compliance with CORA should be referred to the City Attorney's Office.

**Definitions**

Under CORA, each Department Director shall be considered the Official Custodian of the public records kept or maintained by their group; thus they are responsible for the maintenance, care, and keeping of the public records maintained by their group and all other duties and obligations of the Official Custodian as outlined in CORA.

**Time Requirements**

Requests for records which are readily available for inspection and copying shall be accommodated as soon as reasonably practical. Records requested that are not readily available shall be provided to the requestor within three working days, unless the three working day period is extended to a maximum of seven working days based on extenuating circumstances. The custodian of the records requested shall make written findings of the reasons for extenuating circumstances, and the findings shall be provided to the person making the request within the original three-day period. In no event can extenuating circumstances apply to a request that relates to a single specifically identified document.

Extenuating circumstances shall apply only when:

- The request is broadly stated and encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian reasonably to prepare or gather records within the three-day period;
- A broadly stated request encompasses all or substantially all of a large category of records and the City group(s) cannot gather the records within the three-day period;
- The City group(s) needs to devote all or substantially all of its resources to meet the records request deadline that is either unique or not expected to recur more than once per month; and/or
- A request involves such a large volume of records that the custodian cannot reasonably prepare or gather the records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities.

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Policy # 52  
OPEN RECORDS ACT COMPLIANCE

Denial of Inspection or Copying

CORA permits the custodian of a public record to deny inspection and/or copying of a public record in certain circumstances. The City Attorney's Office should be consulted when inspection or copying of public records will be denied.

Procedure

All requests for records or other information made by the media or by citizens shall be immediately forwarded to Public Communications for response in accordance with PPM Policy #51. All other requests shall be delivered to the appropriate Department Director for response. Requests which raise legal concerns will be coordinated through and all documents forwarded to the City Attorney's Office for response.

Charges for Inspection and Copying

Charges for retrieval and copying of public records shall be in accordance with the City's CORA Policy.

Email and Other Electronic Records

Employees and elected officials should have no expectation of privacy on the City's IT network, equipment, systems including email system, data, and information. Any messages sent or received, documents created, sites visited, and/or other public records created using the City's information technology resources may be subject to inspection and possible production under CORA.

Employees of the City and custodians of records must retain public records in accordance with the Municipal Records Retention Guidelines and may not destroy, modify, redact, or omit any records in their possession, custody, or control which are responsive to a CORA request, except as lawfully directed by the City Attorney's Office.

*Last revised: 01/2021 – 20-662*

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POLICY AND PROCEDURE MANUAL MODIFICATIONS

***Policy # 53***  
***POLICY AND PROCEDURE MANUAL MODIFICATIONS***

The City retains the sole right to modify, suspend, interpret, or cancel in whole, or in part the provision of any of the Administrative Policies and Procedures.

Procedure for Adoption or Revision

- The Mayor, or designee, when operationally feasible, shall post the proposed/amended Policy and Procedure on the city website for a reasonable period prior to effective date of implementation.
- Employees wishing to comment shall submit their comments to the Mayor and the Human Resources Director.
- The Mayor may conduct a hearing to hear employee comments regarding specific policy and procedure changes.
- After a review of employee comments, a Policy and Procedure shall be promulgated either as originally proposed or as amended.
- Employees will be notified when a policy and/or procedure has been adopted or modified. It will be their responsibility to read the affected section. Employees are responsible for knowing and adhering to all policies and procedures contained within the PPM.

*Last revised: 4/17*

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TOOLS AND EQUIPMENT (PERSONAL USAGE OF CITY-OWNED)

***Policy # 54***

***TOOLS AND EQUIPMENT (PERSONAL USAGE OF CITY-OWNED)***

With an exception for the limited use of office equipment and telephones, employees may not use City-owned tools, equipment, or shop facilities for personal, non-City business, use.

Exceptions

***Office Equipment***

At the discretion of the immediate supervisor, employees may be allowed the limited personal use of office equipment such as computers, mobile devices, fax machines, copiers, or other City equipment. City equipment may not be used for purposes related to other employment, employee owned outside businesses, or political activity.

***Telephones***

City telephone may be used for short, intermittent personal calls that do not result in charges to the City.

*Last revised: 01/2021 – 20-662*

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COMPUTER USAGE AND COMPUTING ENVIRONMENT

***Policy # 55***  
***COMPUTER USAGE AND COMPUTING ENVIRONMENT***

The City provides computer systems for use of its employees in the conduct of official City business. City employees are required to comply with all official City and departmental computer systems policies that apply to them as end-users, including adherence to all Information Technology Security Procedures.

Definitions

***Computing Resources***

Computer, network, or data equipment, and/or services, leased, owned, or contracted for or by the City, to include:

- Computer and network hardware.
- Computer software, application systems, and programs.
- Data such as records, files, logs, and images which are or have been stored electronically or transmitted using City property.
- Messages such as e-mail, created, stored, or viewed on such computer.
- Computer or network services, such as Internet, intranet, e-mail systems, and other programs or applications that reside within or operate as part of the City's computing environment.

***Approved Software***

Software or programs that are:

- Approved for use by the manager of the unit.
- Approved for use in the City, as stated in the Hardware & Software standards for the City.

Access

The City is able to monitor or examine messages, data, or software that involve its computing resources. As the owner of the computer systems, the City reserves the right to periodically examine, as it deems appropriate, any messages, data, or software left on or transmitted using the City's computing resources, including electronic logs and usage records.

- Employees should assume that such messages, data, or software are not private/confidential.

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## COMPUTER USAGE AND COMPUTING ENVIRONMENT

- The contents of computers and electronic mail are subject to the Colorado Open Records Act, court order, or a legitimate City business inquiry. Therefore, under certain circumstances, the City may disclose the contents to the public.
- At the City's discretion, messages, data, or software deleted from computing resources may be retrieved.

### Internet Usage

The City uses software and systems to monitor and record the Internet usage for each user. The City reserves the right to block accesses from within its networks to any sites deemed inappropriate or which have a detrimental effect upon network performance. Employees should not have any expectation of privacy as to their usage of Internet World Wide Web sites, file transfers, chat sessions, and/or online subscription or delivery.

### E-mail

E-mail or other computer generated messages that are to be broadcast to all City employees must be coordinated with Public Communications and will be distributed by Information Technology.

### Security

City employees are required to read, understand, and comply with all policies contained in the City's Information Technology Security Policies Manual pertaining to end-users. The Citywide policy may be accessed on the City's Intranet (IntraCity) and all policies pertaining to end-users may be found in Chapter 3 of that manual. In addition, employees must comply with any additional security policies that may have been promulgated by their respective department. Failure to comply with security policies may result in discipline, up to and including termination.

### Misuse of Computing Resources

Employees are expected to properly use the computer resources available to assist in the performance of their assigned job. Computer misuse may result in discipline, up to and including discharge.

Examples of misuse include, but are not limited to, the following:

- **Excessive or Inappropriate Use:** An employee's access to the Internet or use of any computing resources may be terminated or limited at the discretion of the employee's immediate supervisor, Department Director/Division Manager or Council/Mayoral Appointee if the usage is interfering with the performance of duties or is otherwise deemed inappropriate.

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## COMPUTER USAGE AND COMPUTING ENVIRONMENT

- **Offensive Material:** A wide variety of materials available on the internet or received by e-mail may be deemed offensive. These materials include, but are not limited to sexually explicit material and material that includes racial, ethnic, religious, or sexist slurs. Employees are not to use the City's computing resources to intentionally, view, store, print, or redistribute any such document or graphic file.
- **Personal Economic Gain:** The City's computing resources must not be used in any fashion for personal economic gain, including private businesses or gambling activity.
- **The Fair Campaign Practices Act:** Provisions must not be violated through personal usage of the computer, if such usage might influence the outcome of an election.
- **Software Usage:** The installation and use of software must be approved by the Department Director/Division Manager or Council/Mayoral Appointee and must comply with the City's Hardware and Software Standards. Usage of approved software must comply with all licensing requirements.
- **E-Mail Misuse:** E-mailed chain letters, jokes, personal messages, and goods for sale should not be broadcast. Offensive and inappropriate material should not be contained in any e-mail messages.

*Last revised: 4/17*

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**Policy # 56**  
**VEHICLES (USAGE OF CITY-OWNED)**

City vehicles shall be used for official City business only. A vehicle operator utilizing City vehicles shall possess the appropriate, valid Colorado driver's license.

Definitions

**Vehicle Operator:**

An individual, at least 17 years old, who is:

- On the City payroll.
- Paid by a federal grant program and serving as a part of the City's work force.
- A direct services contractor with the City.
- An intern or volunteer with permission to operate a City vehicle.

**Vehicle**

A City owned car, truck, or specialized equipment which falls into one of the following classifications:

- Council/Mayoral Appointee vehicle.
- Emergency specialized vehicle: equipped with special features and equipment which enable an employee to provide immediate response to situations involving threats to life or property.
- Marked and unmarked law enforcement vehicle.
- Car Pool: As authorized by a Department Director or Council/Mayoral Appointee, a City vehicle used by a minimum of three City employees which is authorized for use in commuting between home and work in accordance with IRS regulations.
- All other vehicles.

General Provisions

- City vehicles shall be used only for official City business.
- An employee shall not use a City vehicle for personal errands.
- An immediate supervisor may approve the use of a City vehicle to transport employees away from the work site for their lunch or break.
- Vehicle operation is subject to authorization by the immediate supervisor and requires the operator to have the appropriate, valid Colorado driver's license.

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## VEHICLES (USAGE OF CITY-OWNED)

- An employee must report any ticket (moving violation, DUI/DWI, unsafe vehicle condition, etc.) to the immediate supervisor the next working day.
- Vehicles are to be operated by employees except for those instances involving:
  - Operation necessary to support repairs and/or servicing.
  - An emergency requiring a non-City person, who is accompanying a City employee, drive the vehicle.
  - As authorized by the Fleet Division.
- Unless otherwise authorized by the Department Director/Division Manager or Council/Mayoral Appointee, City vehicles will only be used to transport passengers who are City employees or individuals engaged in official business with City employees.
- An employee who resides outside of the City limits shall not take a City vehicle home without approval of the Department Director/Division Manager or Council/Mayoral Appointee.
- All City vehicles, with the exception of Appointee and unmarked law enforcement vehicles shall display the appropriate City identification. Exceptions must be coordinated with the Fleet Division Manager.

### Travel Outside of Colorado

City vehicles may not be driven outside of Colorado without supervisory approval. Such trips must be coordinated with Risk Management a minimum of five days in advance of travel. The supervisor, Fleet, and Risk Management should be notified of the vehicle unit number, license plate number, destination, and departure/return dates.

### Vehicle Maintenance

All City vehicles, unless approved by the Fleet Management Unit, are serviced and repaired at the Fleet Management Unit's maintenance facilities. In the case of an emergency or vehicle breakdown beyond the City limits, upon notification, Fleet Management may authorize other options.

### Group/Unit Responsibility

Each Group/Unit is responsible for assuring that:

- All vehicle and equipment operators possess the appropriate, valid Colorado driver's license.
- Take home vehicle usage is coordinated with the Fleet Management Unit Manager via the Vehicle Usage Request Form. Disputes concerning the appropriate take home use shall be resolved between Fleet and the Group/Unit Manager or Council/Mayoral Appointee by a

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VEHICLES (USAGE OF CITY-OWNED)

designee of the Mayor, when necessary. Vehicle Usage Request Forms and Group/Unit lists of take home vehicles are subject to annual review.

- Take home vehicle assignment records are maintained. The records shall contain:
  - Vehicle assignment by group/unit, employee's name, and position.
  - Mileage: commuting and work related as recorded in the trip log.
- Date, time, and nature of emergency calls responded to after normal work hours, weekends, and holidays.

*Last revised: 4/17*

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EMPLOYEE RESONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES FOR  
BUSINESS USE

***Policy # 57***

***EMPLOYEE RESONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES  
FOR BUSINESS USE***

Driver's License Requirements

An employee operating a City-owned vehicle or personal vehicle on City business must possess and maintain an appropriate current and valid Colorado driver's license without prohibitive restrictions. If the employee's driver's license, permit, or privilege to operate a commercial motor vehicle is suspended, denied, canceled, or revoked by the State of Colorado, the employee is required to immediately notify their supervisor in writing and to cease operating City vehicles and personal vehicles used on City business and/or property. Failure to notify of such loss is a violation of the Standards of Conduct and will result in discipline, up to and including termination.

Commercial Motor Vehicle Law (CMVL)

Employees operating vehicles with a gross vehicle weight rating (GVWR) between 10,001 lbs. and 26,000 lbs. shall comply with the regulations of the State Commercial Motor Vehicle Law.

Commercial Driver's License (CDL)

Employees who operate the following vehicles are required to possess an appropriate current and valid Colorado Commercial Driver's License (CDL) and/or Commercial Learner's Permit (CLP) with the appropriate endorsements and restrictions:

- Any combination of vehicles with a GVWR of 26,001 lbs. or more.
- Any bus designated to carry 13 or more passengers, including the driver.
- Any vehicle that carries placarded hazardous materials, regardless of GVWR.
- Any tank vehicle capable of carrying 1,000 gallons or more of liquid.

Employees operating the listed vehicles are also required to:

- Complete a pre- and post-trip Driver Vehicle Inspection Report (DVIR). The DVIR book, showing materials on board, the class of hazardous materials, and the maximum weight allowed.

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EMPLOYEE RESPONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES FOR  
BUSINESS USE

- Assure that vehicles carrying placarded hazardous materials have a current manifest showing materials on board, the class of hazardous materials, and the maximum weight allowed.
- Have a current and valid Department of Transportation Medical Examiner's Certificate from a designated City provider.
- Report any ticket (moving violation, DUI/DWI, unsafe vehicle condition, etc.) to the immediate supervisor in writing the next working day.
- Report any conviction or violation of state or local traffic law (other than parking) in writing, to the immediate supervisor within 30 calendar days.
- Adhere to all applicable Federal and State Hours of Service requirements.

Operator Responsibilities

- Employees are responsible for operating City vehicles and personal vehicles while conducting City business in a courteous, safe manner that is in compliance with all State and City traffic and parking laws and ordinances.
- Vehicle operators are expected to follow the operating instructions contained in the owner's manual.
- Vehicle operators are responsible for checking oil and other fluid levels on a regular basis; ensuring that the vehicle exterior and interior are clean; locking and securing the vehicle and adhering to planned maintenance schedules.
- All operators and passengers who occupy a City-owned vehicle or construction equipment are required to use the available vehicle lap restraining system, shoulder harness and other similar restraining devices while operating the vehicle or construction equipment. Exceptions based on medical, physical, or operational reasons require the written approval of the Safety Section.
- Operators of vehicles carrying material which is subject to spilling or blowing off shall assure that covers are in place during operation and shall report damaged or missing covers to the Fleet Management Unit for immediate repair or replacement.
- Vehicles and equipment will not be operated over their gross vehicle weight rating (GVWR) and/or gross combined weight rating (GCWR).
- City vehicles will not be left running when unattended. Engine idling will only be allowed when required for tool support.

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## EMPLOYEE RESPONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES FOR BUSINESS USE

- Employees who operate City vehicles are responsible for ensuring that current insurance and registration papers are on-board.
- Employees are responsible for any citations resulting from violations of traffic laws that are incurred while they are conducting City business, subject to the appropriate provisions of the Municipal Code of Colorado Springs.
- Employees are responsible for all parking citations while conducting City business, unless the citation is issued to a law enforcement vehicle, an emergency vehicle or City crews in legitimate work-related situations.
- If an employee's driver's license, permit, or privilege to operate a commercial motor vehicle has been denied, canceled, revoked, suspended, or withdrawn by the State of Colorado, he or she they must notify their supervisor within **24 hours**. Employees shall not operate City vehicles or personal vehicles on City property until driving privileges are restored.
- In accordance with Civilian Personnel Policies and Procedures Manual Policy #2, Employment, the employee must immediately notify their Department Head or Council/Mayoral Appointee, in writing, of any other employment.

### Insurance Coverage

Employees operating a City-owned vehicle within the course and scope of their employment are covered by the City's liability insurance program. Employees operating a personal vehicle on City business are responsible for maintaining automobile liability insurance coverage that meets the Financial Responsibility Law of Colorado. Proof of such insurance should be maintained with the vehicle.

The City does not provide insurance coverage for damage to personal vehicles while utilized for City business. The City is not responsible for the loss or damage to any personal property that is in the vehicle.

An employee in violation of this policy or transporting a non-City employee could be held personally liable for damages in the event of a vehicle accident.

### Accident Reporting

City employees that are involved in vehicle accidents while operating a City-owned vehicle or personal vehicle while on City business are required to immediately notify their supervisor and the Police agency having jurisdiction over the accident site. Police agencies may not respond due to

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EMPLOYEE RESPONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES FOR  
BUSINESS USE

accident alert conditions, accidents involving private property, or a minor damage accident. Supervisors will respond to all accidents within city limits and will complete their investigation in accordance with the City Safety Program Manual, Accident Investigation and Reporting.

Risk Management shall be immediately notified if there is damage to property or personal injury which requires medical treatment or notified within 24 hours regardless of the type of accident involving City-owned vehicle or personal vehicle while on City business. Fleet Management shall be notified within 24 hours regardless of the type of accident involving City-owned vehicles.

City employees will counter or cold report the accident if an accident alert is activated by Colorado Springs Police Department (CSPD) due to weather and road conditions or manpower limitations; and/or if the accident was on private property; and/or if the accident was on a city street and there was less than \$1,000 in total damages to all involved vehicles and property, AND all of the following criteria are met:

- No fatality or injury requiring medical attention and transport to a hospital by ambulance was sustained by any person(s) involved in the accident.
- No driver involved in the accident is suspected of driving under the influence of alcohol or drugs.
- No severe damage to another's property; e.g., vehicle through a building.
- No driver left the scene prior to exchanging the necessary information.
- No driver failed to provide valid license, registration, and insurance information.
- No one insists that the police respond.

Travel Outside Colorado Springs City Limits or Colorado

City employees that are involved in vehicle accidents while operating a City-owned vehicle or personal vehicle while on City business outside Colorado Springs City limits or outside Colorado are required to immediately notify their supervisor and the police agency having jurisdiction over the accident site. Supervisors will not be able to respond to accidents outside city limits or the state so they will verify that the employee has all pertinent information in the vehicle prior to leaving the city:

- Current Vehicle Registration,
- Certificate of Self-Insurance (for City-owned vehicles only, print from Fleet web-site),
- Supervisor's Accident Investigation Report (print from Safety Services web-site),

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EMPLOYEE RESPONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES FOR  
BUSINESS USE

- Vehicle Accident Witness Statement form (print from Safety Services web-site),
- Vehicle Accident Emergency Contacts (print from Safety Services web-site),
- State of Colorado Traffic Accident Report (print from Safety Services web-site).

All accident reports/forms are self-explanatory and easily completed. If a police agency responds to your accident, they will complete the Colorado State Accident Report and you will complete all other reports. If a police agency does not respond to your accident, try and complete the State of Colorado Traffic Accident Report to gather as much accident information as possible. When you return to Colorado Springs all accident reports/forms will be delivered to Risk Management/Safety Services the first work day back.

Risk Management shall be immediately notified if there is damage to property or personal injury which requires medical treatment or notified within 24 hours regardless of the type of accident involving City-owned vehicle or personal vehicle while on City business outside Colorado Springs City limits or outside Colorado. Fleet Management shall be notified within 24 hours regardless of the type of accident involving City-owned vehicles.

Violations of the Policies and Procedures Regarding Vehicles

Employees who violate the provisions of Civilian Personnel Policies and Procedures Manual Policy # 56, Vehicles (Usage of City-Owned); and # 57, Employee Responsibilities for City-Owned and Personal Vehicles for Business Use are subject to discipline, up to and including termination of employment.

*Last revised: 01/18*

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VEHICLES OPERATED BY COUNCIL/MAYORAL APPOINTEES

***Policy # 58***

***VEHICLES OPERATED BY COUNCIL/MAYORAL APPOINTEES***

As approved by City Council, their appointees shall be entitled to the use of a City owned vehicle.

Vehicle Requirements

Any vehicle selected by a Council/Mayoral Appointee:

- May be new or used.
- Shall be acquired through a competitive bid or proposal process that is coordinated by the Fleet Management and Purchasing and Contracts Divisions.
- Shall be licensed with regular rather than City of Colorado Springs license plates.
- Shall comply with current IRS regulations governing the use of such vehicles.

Vehicle Operation

A Council/Mayoral Appointee who operates a City-owned vehicle may use the vehicle for personal as well business reasons. In accordance with IRS regulations, the operation of the vehicle creates personal use income and must be reported to the Finance Office.

Council/Mayoral Appointees are expected to comply with the provisions of Policy and Procedure # 56, Vehicles (Usage of City-Owned); and # 57, Vehicles (Employee Responsibilities for City-Owned).

*Last revised: 4/17*

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**Policy # 59**  
**TRAVEL/MEETING EXPENSES**

Travel and meeting expenses incurred by employees while attending meetings, conferences, and conventions on official City business may be authorized according to City Policies. Such activities may be authorized for the employee's attendance and should be considered a privilege not an entitlement. Departments may limit the allowable expenses for the employee below the City allowable expense limits.

General Guidelines

It is impossible to anticipate every possible expense in order to receive prior authorization. Therefore, employees are expected to exercise good judgment and proper economy when incurring travel and meeting expenses. Each employee is responsible to assure that all travel related expenditures are consistent with this policy and meet the approval given by the Department Head/Division Manager or Council/Mayoral Appointee. An employee shall evaluate the proposed travel expenditures in relationship to:

- An amount that would be spent if the cost were to be paid for personally.
- A test of public scrutiny, if the expenditure were to become a matter of public knowledge.

A Travel Request Form must be completed and submitted to the Department Head/Division Manager or Council/Mayoral Appointee for review and approval prior to commitment to any travel arrangements. The form must include employee's name, purpose of trip, destination, dates of departure and return, and a detailed listing of all expected expenses for the trip. The form, with Department Head/Division Manager or Council/Mayoral Appointee approval, must be attached to employee's expense summary and/or Visa statements that include travel expenses upon return from the trip.

Department Heads/Division Managers or Council/Mayoral Appointees need to consider Fair Labor Standards Act regulations regarding pay for travel time prior to approving travel arrangements. Additional information is available from the Human Resources or Payroll Offices.

Travel forms, instructions, and detailed information on required documentation described in the City Policy can be obtained from the City Finance Office.

Expenditure Categories

Employees authorized by their Department Head/Division Manager or Council/Mayoral Appointee to travel and/or attend meetings on official City business may be eligible for expense reimbursement or allowed to use their City Visa for payments in accordance with the guidelines

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established in each of the following categories. Travel expenses must be itemized on the Expense Summary form and forwarded to Accounts Payable within five working days after return. Receipts shall be required in support of expenses.

#### Transportation

Only one day of travel time each way will be covered as an authorized absence. Additional travel time shall be charged to the employee's vacation balance.

- **Air travel** shall be limited to the round trip "economy coach" fare. Travel from the Colorado Springs Airport is encouraged.
  - Unless there are extenuating circumstances, the employee should take advantage of lower airfares by purchasing tickets more than seven days in advance of travel.
  - In-state travel by air must be more economical than travel by city or private vehicle and must be approved by the Department Head/Division Manager or Council/Mayoral Appointee.
- **Rail travel** shall be limited to "coach" fare for trips not involving overnight travel. When sleeping accommodations are required, a Pullman or roomette may be authorized. Expense shall be limited to the air "economy coach" fare.
- **Bus travel** may be authorized for travel and shall be limited to the air "economy coach" fare.
- **City vehicle** usage is covered by Policy and Procedure # 56, Vehicles (Usage of City-Owned). Prior approval must be obtained from the Department Head/Division Manager or Council/Mayoral Appointee before the spouse and/or children accompany the City employee. Costs of fuel for the vehicle may be paid but shall be limited to the costs of air "economy coach" fare. Exception may be allowed if there is a sufficient reason for needing the City vehicle at the event. Written justification must be provided.
- **Private vehicles** may be authorized for use on official City business.
  - **In-state** reimbursement shall be at the mileage reimbursement rate that is published by the IRS annually. Mileage may be paid from the employee's home to the meeting location, but shall be limited to the number of miles from the employee's work site to the meeting location, or from the employee's home to the meeting location; whichever is less. Details of trips must be submitted according to IRS regulations; additional information is available from the City Finance Office.
  - **Out-of-state** travel reimbursement shall be at the mileage reimbursement rate published by the IRS. Details of trip must be submitted according to IRS regulations; additional information is available from the City Finance Office. Employees may be reimbursed for mileage expense associated with one round trip for travel between

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Policy # 59  
TRAVEL/MEETING EXPENSES

their home/work site when departing from the airport. Colorado Springs Airport employees will be reimbursed for travel from their home to the airport if travel is for the purpose of travel on a domestic flight.

- Employee may be reimbursed for two round trips to the Colorado Springs Airport if an employee has someone drop them off and pick them up at the Colorado Springs Airport rather than drive their own vehicle or take a cab. Mileage shall be limited to the number of miles from the employee's work site to the airport, or from the employee's residence to the airport; whichever is less.
- Short-term parking, long-term parking or cab fare associated with airport departure and arrival may be allowable expenses. Valet parking will not be allowed unless it is the least expensive or only option.
- **Car rental** at the destination may be approved by Department Head/Division Manager or Council/Mayoral Appointee.
  - If City Visa cards are used, US Bank will provide collision damage insurance protection if that employee is driving. It will also cover another City employee driving the vehicle other than the one listed as the renter. It will not provide coverage for a spouse, friend or permissive user other than a City employee. It does not provide liability coverage. The City Claims Office recommends that employees obtain liability coverage from the rental car company.
  - If a personal Visa card is used, the City Claims Office recommends employees obtain insurance from the rental car company. Additional information on insurance options is available from the City Claims Office or the City Finance Accounts Payable Office.
  - **Shuttle transportation, public transportation and cabs**, may be reimbursed on approval by Department Head/Division Manager or Council/Mayoral Appointee.

### Lodging

Hotel/motel selection and advance reservations are to be done in such a manner as to assure moderate rates. Lodging shall be for the minimum number of nights required to conduct the assigned City business.

If employee's spouse and/or children share the lodging, the lodging rate shall be limited to the single occupancy rate. Differential should be noted on the receipt.

### Meals

- IRS Per Diem Rates will be paid on overnight travel subject to travel having taken place and expense reimbursement being requested from the Accounts Payable department.

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## TRAVEL/MEETING EXPENSES

Department Head/Division Manager or Council/Mayoral Appointee may decide to reimburse less but cannot pay more than IRS Per Diem Rates.

- Internal Revenue Service Publication 1542 Per Diem Rates can be found on the internet at: <http://www.irs.gov/pub/irs-pdf/p1542.pdf>. Use the chart titled “Maximum Federal Per Diem Rates” for the most current year. Use the column titled “M&IE Rate”.
  - Chart amount per day times the number of days will be the maximum amount allowed for meals per trip.
  - On the dates of departure and return, the per diem that will be paid is  $\frac{3}{4}$  of the M&IE rate.
  - Employee should attach a written copy of the Federal Per Diem Chart page showing the location rate with their Travel Request Form. Employee should also complete the per diem calculation form on the travel request form and provide to the Accounts Payable department for payment of the per diem.

### Miscellaneous

If the specific city is not listed, employee should determine which location on the list is closest in proximity to the location of travel. If no Per Diem rate is available for the location of travel, a maximum of \$40 per day times the number of days will be the maximum amount allowed per trip.

- No meals should be charged to the City Visa card when traveling.

Additional expenses shall be approved by Department Head/Division Manager or Council/Mayoral Appointee and may include:

- For trips longer than five working days, laundry, and dry cleaning expense up to \$50 per week may be allowed.
- Employees may be allowed long distance phone calls to home limited to a maximum of \$10 per trip. Hotel access fees for phone calls may be included in the \$10 limit. No other personal phone calls are allowed.
- Internet access charges may be allowed limited to a maximum of \$15 per day. Explanation must be provided that supports a specific need for this service.
- Personal expenses incurred during travel that are primarily for the benefit of the traveler and not directly related to the official purpose of the travel will not be allowed. Examples include the purchase of personal hygiene items, magazines, snacks, movie rentals, and other miscellaneous items.
- Tips for shuttle's or taxis should be limited to 15% of the bill.

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Policy # 59  
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- Tips for services other than meals or shuttles/taxi's will not be allowed. Examples include bellhops, baggage handlers, and maids. (The City will not reimburse for this but tipping is an incidental cost of travel and incidental costs are included in the amount received from the per diem.)
- The cost of special entertainment and tour events which are not included in conference registration fees are generally not allowable expenses. However, if the event is related to the purpose of the conference, the Department Head/Division Manager or Council/Mayoral Appointee may approve the expense.
- Costs of recreational events that include meals may only be allowed when included within the limits of the maximum allowable meal expense per trip. Such costs shall be reported on the employee's expense summary even if expense was paid by City directly upon registration.

Combined Business and Vacation Guidelines

An employee may request approval to combine vacation leave with out-of town conferences, conventions or meetings. Applicable policies shall govern the allowable expenditures for the business portion of the trip. The following guidelines shall also apply:

- Travel time is limited to one day each way.
- The employee shall reimburse the City for any additional airfare, lodging, meal, or other expenses incurred as the result of the extended stay or rerouting through an additional city. Written documentation shall be provided to support proof of cost differences.

City VISA Card

The City may receive tax exempt status when the City VISA card is used. Use of the City VISA card is the preferred method for payment of expenses. The VISA Policies and Procedures manual addresses all the procedures regarding use of the City VISA card for travel. The travel policies apply to City travel, whether using the VISA card or using cash funds requesting reimbursement. Please see the VISA Policies and Procedures manual for instructions on using the City VISA card when traveling on City business. Both the manager and the employee approving Visa card expenditures are mutually responsible to assure that the expenditure is consistent with this policy. Failure to adhere to the policies and procedures may result in discipline, up to and including termination.

*Last revised: 4/17*

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***Policy # 60***  
***SAME DAY MEAL POLICY***

The City of Colorado Springs offers payment for meals related to same day meetings, retirements and special functions.

**Eligibility**

All employees of the City of Colorado Springs are eligible for same day meals, subject to limitations listed below. This policy is enforced when a city employee attends a meeting where a meal is served and also attended by members of the public, the business community, or officials from other governmental entities, specifically to discuss business related to the City. This policy does not apply to any employees of Colorado Springs Utilities or Memorial Hospital.

**Definitions**

“Same Day meals” shall include all foods and beverages that are purchased when the employee is not away from home overnight. If overnight accommodations are required, Travel Policy No. #59 in the Policies and Procedures Manual will be followed.

**Authorized Non-Taxable Meals**

When an employee is authorized to attend, the following meals will be non-taxable to the employee subject to documentation through detailed receipts:

- Attendance at meals held by Economic Development Corporation, any Chamber of Commerce or State of the City lunch where the primary purpose of attendance is business relations with the City or other business needs.
- Attendance at meetings where meals are served with outside organizations or entities related to obtaining business for enterprises.
- Meals conducted by City Management, Department Heads and Council/Mayoral Appointees to provide or receive support or assistance related to City business.
- Trade or business organization meals, which are related to the job responsibilities of the person attending.
- Meals included in the registration paid as part of a convention or conference.
- Events that have been approved as having a business purpose. These events will be included in an approved list which will be maintained in the Finance Department. Any events not covered in the approved list must be submitted for approval of the business purpose. A form, which will be maintained in the Finance Department will be required to be completed in full, approved by the department director/division manager or Council/Mayoral

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Policy # 60  
SAME DAY MEAL POLICY

Appointee and provided to the Finance Director. Once the event is approved, this approval can be used in future years for attendance subject to the employees attending being similar in rank or position to the previous approval.

Departments are also allowed the following de-minimus (small) purchases of same day meals:

- Retirement events that do not exceed more than \$250, per retirement
- One annual luncheon per department
- The City's Annual Holiday Party
- Occasional coffee, doughnuts, cake, soft drinks, or other light snacks

Taxable Meals

Other meals may be attended by employees and may be reimbursable by the City with the approval of the employee's manager, but will be taxable to the employee.

Non-Authorized Meals

Meals with only City employees in attendance will not meet the requirements of this policy, even if City business is discussed. An exception to this provision may be made by a Department Head or Council/Mayoral Appointee if the purpose of the meeting in which a meal is served is solely to conduct City business; is of an urgent nature; and no other time of the day is conveniently available. Written documentation stating the need and verifying that the meal expenditure is consistent with this provision shall be provided with the receipt for City payment.

*Last revised: 4/17*

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CHARITY DRIVES AND EMPLOYEE SOLICITATION

***Policy # 61***  
***CHARITY DRIVES AND EMPLOYEE SOLICITATION***

The City recognizes that many employees wish to share with others who are in need. Within limited conditions, employee representatives and/or charitable organizations may be approved to conduct fundraising sales and campaigns or collect donations of disposable goods from City employees.

Employee Giving Campaign

The annual Employee Giving Campaign is the only charitable; fundraising effort authorized to solicit City employees in the workplace. The annual campaign shall raise and distribute funds to health and human charitable service agencies that provide direct, information and referral, education and/or advocacy services to residents of their primary service delivery area of El Paso and Teller Counties in the following areas of need:

- Basic needs and self-sufficiency;
- Early childhood and youth development;
- Health and wellness; and
- Family support and safety.

In addition to the Qualified Campaign Participants, the City will, through its campaign manager, process the distribution of payroll deductions to other employee-designated, charitable organizations defined under IRC Section 501(A) as described in 501(c)(3). Such designations to non-participating agencies shall be made only during the Employee Giving Campaign.

Campaign Responsibilities

***Employee Campaign Committee***

City and Colorado Springs Utilities (CSU) employee volunteers, who work with the campaign manager to plan, organize and conduct the annual Employee Giving Campaign. The co-chairs will be one senior manager each from the City and Colorado Springs Utilities.

The Employee Campaign Committee is responsible for an annual accounting of campaign expenses, which will be shared equally between the City and CSU. The Employee Campaign Committee will review and certify as Qualified Campaign Participants those organizations which request and meet the criteria for inclusion in the annual Employee Giving Campaign.

***Campaign Manager***

A Colorado Springs-based, non-profit organization which, at no cost to the City or CSU, works with the Employee Campaign Committee to plan, organize and conduct the annual campaign and to

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## CHARITY DRIVES AND EMPLOYEE SOLICITATION

manage the distribution of received payroll deductions. Distributions of collected funds will be to designated Qualified Campaign Participants and other non-profits so designated by employees during the annual Employee Giving Campaign. Specific responsibilities are contained in the annual agreement between the City/CSU and the Campaign Manager.

### ***Qualified Campaign Participants***

The Annual Employee Giving Campaign shall be open to two categories of health and human services, non-profit organizations that provide support to residents of El Paso and Teller counties.

- Umbrella organizations that have at least seven (7) member, charitable agencies that provide direct, education, information and referral and/or advocacy services to residents of El Paso and Teller counties, Colorado who are in need of health and human services.
- The City/CSU sponsored health and human service organizations that:
  - are supported by the City/CSU through the use of facilities or equipment or through the sharing of operating or maintenance funding; and
  - have a direct relationship to the City/CSU by providing enhanced services to the programs of the City/CSU; or 3) act as an agent of the City/CSU to operate, manage or administer a function of the City/CSU.

All organizations must be charitable organizations as described in 501(c)(3) of the Internal Revenue Code.

### **Disposable Goods and/or Donations**

- Charitable organizations may request, through employee representatives or the Mayor, permission to collect disposable goods for distribution to the needy. Requests must be accompanied by written verification of the organizations 501(c)3 status and specific dates and location of collection efforts. Mayor, or designee, approval must be received prior to the placement of boxes for food, clothing, or toy donations in areas of City buildings accessible to the public and/or employees.
- If several requests are received, a single box may list several agencies. Items placed in the box will be distributed among the agencies listed.
- Department heads can authorize requests for charity drives that are confined within their departments.

### **Fundraising Product Sales**

- City employees often represent organizations that sell products as a part of their annual fundraising efforts. Although actual sales may not occur during the employees' normal work hours and may not disturb the work of fellow employees, notices of product sales or displays

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## CHARITY DRIVES AND EMPLOYEE SOLICITATION

of the product may be placed in employee break rooms or other areas not accessible to the public.

- The City is not responsible for any loss of product or money that may result from the conduct of the sale on its premises.
- Should such product sales or fundraising events become disruptive to the conduct of official City business, the Department Director may disallow such product sales.
- No private, for-profit organization may solicit employees of the City of Colorado Springs for the purpose of offering product sales or membership/product discounts.

*Last revised: 4/17*

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THE AT-WILL SENIOR MANAGER BENEFIT PROGRAM

***Policy # 62***  
***THE AT-WILL SENIOR MANAGER BENEFIT PROGRAM***

This policy applies to all managers in salary bands 1 and 2.

Vacation Accrual

At-Will Senior Managers shall accrue vacation according to the following schedule:

<b>At Will Vacation Accrual</b>	<b>Hours Accrued</b>	<b>Annual Entitlement (Days)</b>
1st Year	120	15
2nd Year	128	16
3rd Year	136	17
4th Year	144	18
5th Year	152	19
6th Year	160	20
7th Year	168	21
8th Year	176	22
9th Year	184	23
10th Year	192	24
11th Year	200	25
12th Year	208	26

New hire at-will managers will accrue vacation at the 1<sup>st</sup> year level. Employees promoted to an at-will manager position will accrue vacation according to the schedule beginning at their current accrual level.

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THE AT-WILL SENIOR MANAGER BENEFIT PROGRAM

Cap Increase on Leave Accrual

The carry-over allowance of unused vacation time is 2x annual entitlement for eligible at-will managers.

At-Will Sick Leave Payout Upon Retirement

**Employees eligible for sick leave accrual on or before 12/31/10:** In the event of retirement, eligible at-will managers will receive an employer contribution of half of the accrued sick leave up to a maximum of 480 hours civilian or 720 hours sworn (40 hour employee) to the mandatory Retirement Health Savings (RHS) Plan. . Contributions can be used for medical premiums upon separation.

Employees with full coverage insurance provided by a spouse or other employment will be excluded from the mandatory RHS plan.

In the event of death, the employee's estate will be paid for half of the accrued sick leave up to 480 hours. Contributions will not be made to the RHS plan for the employee's estate.

**Employees hired or rehired after 12/31/10:** These employees are not eligible for at-will sick leave payout upon retirement or death.

Severance Possibility

A paid 30-day notice of termination and the possibility of severance pay and/or benefits up to six months, for an eligible manager terminated without cause is authorized at the Mayor or Appointee's discretion. Any action taken under this program will be reported quarterly to City Council.

Exit Discussion

Although there is no appeal process for at-will employees, an eligible employee under the At-Will Senior Management program who is terminated will be afforded the opportunity to have an exit discussion with his/her Director.

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## ***Civilian Policy #63***

### ***Cell Phone Policy***

The purpose of this policy is to promote a safe environment within all City vehicles and for City employees to adhere to all local, state, and federal laws governing the use of cell/mobile phones and wireless devices in vehicles. This policy applies to all employees, appointees, and volunteers operating City vehicles or a personal vehicle while on City business.

Whenever possible, employees should not make or receive phone calls while driving on City business or operating a City vehicle. Employees should let incoming calls go to their voicemail and then find a safe location to pull over and park before initiating a call.

Texting is prohibited in all City vehicles, commercial motor vehicles (CMV), or personal vehicles while driving on City business.

Employees operating a City vehicle or a personal vehicle while on City business and using cell phones, mobile, and wireless devices are required to comply with applicable local, state, and federal laws. Where practical, cell/mobile phones with hands-free and voice activated features should be used.

Employees will use a compliant hands-free phone while driving City-owned CMV's which means a driver can initiate, answer, or terminate a call by touching only a single button on a mobile phone, earpiece, or headset. Driver's are permitted to reach for a compliant mobile phone (i.e., hands-free) provided the device is within the driver's reach while he or she is in the normal seated position, with the seat belt fastened. The compliant mobile phone can also be mounted in the vehicle close to the operator, but it is not, however, required in order to be in compliance with the policy.

#### **Emergency Situations**

This policy allows a driver to use either a hand-held or hands-free mobile telephone to contact law enforcement or other emergency services for such purposes as requesting emergencies services, reporting an accident, drunk driver, or potential criminal activity including attempts to hijack hazardous materials.

#### **Disciplinary Rights**

The City may take disciplinary or corrective action against an employee, up to and including termination, for violation of this policy or any local, state, or federal laws which govern the use of cell/mobile phones while operating vehicles.

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Definitions

**Compliant Mobile Phone** is a one-touch hands-free mobile telephone with a speaker phone function, a wired ear piece with microphone, or a one-touch wireless earphone or earpiece.

**Driving** means operating a motor vehicle or a CMV on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a motor vehicle or a CMV when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

**Texting** means manually entering alphanumeric text into, or reading text from, an electronic device (cell/mobile phone, IPAD, laptop, etc.) while being held. Texting does not include inputting, selecting, or reading information on a vehicle global positioning system (GPS) or a vehicle navigation system.

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## POLICY AND PROCEDURES GLOSSARY

### ***POLICY AND PROCEDURES GLOSSARY***

**ACCIDENT ALERT:** Accident Alert is the procedure to suspend the investigation of certain types of traffic accidents due to weather and road conditions or manpower limitations.

**ACTING PAY:** Additional compensation for temporary assignment of more than 30 days to a position of a higher classification.

**AT-WILL:** Employees designated at-will by City Code or their respective Appointee, serve at the pleasure of their appointing authority and may be terminated at any time with or without notice or cause. Probationary, hourly, temporary, and special employees also serve at-will.

**AT-WILL SENIOR MANAGER BENEFIT PROGRAM:** This benefit program impacts only the managers in salary bands 1 and 2.

**BAND:** Broad grouping of classifications with similar types and levels of duties and qualifications.

**BASE SALARY:** The salary assigned to a classification as published in the Salary Schedule. Base salary does not include such additional compensation as benefits, overtime, shift differential, special assignment pay, or standby.

**CITY:** For the purpose of this manual, City shall mean all of the Departments and employees of the City of Colorado Springs, except those employees specifically excluded from coverage under this manual.

**CITYWIDE:** For the purpose of this manual, Citywide shall include all of the Departments and employees of the City of Colorado Springs.

**CLASSIFICATION (CLASS):** A group of positions that are sufficiently similar with respect to the type of work performed, level of difficulty or responsibility and qualifications to warrant like treatment for purposes of salary administration, recruitment and other human resource management activities.

**CLASSIFICATION PLAN:** All the classes representative of the work performed by the City of Colorado Springs.

**COMPENSATION:** The total payment to an employee for the performance of assigned duties including all salaries and benefits.

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## POLICY AND PROCEDURES GLOSSARY

**COMPENSATORY TIME OFF:** Time off accrued by a nonexempt employee who is eligible for overtime.

**COMPLAINT RESOLUTION:** A formal complaint filed relating to an act, omission, or situation involving the interpretation and misapplication of written or verbal policy, procedure, or established practice.

**COUNCIL APPOINTEE:** Council appoints the City Auditor.

**COUNTER REPORTING:** Counter reporting is the procedure a citizen utilizes to complete and submit a traffic accident report directly to the State of Colorado that is not investigated by law enforcement.

**CSU:** Colorado Springs Utilities

**DEMOTION:** Assignment to a classification in a lower Band and/or Zone.

**DEPARTMENT:** For the purpose of this manual, the City Departments are Airport; City Budget; City Management; City Planning; Finance; Human Resources; Internal Support Services; Parks, Recreation and Cultural Services; Public Safety (Police and Fire), and Public Works.

**DEPARTMENT DIRECTOR:** Responsible for all Divisions and assigned functions within the designated Department.

**DESIGNATED SHIFT:** Shift that requires continuous presence at the designated workstation without the opportunity to take breaks away from the job.

**DIVISION:** Organizations within the designated Departments.

**DIVISION MANAGER:** Oversees Division Manager duties for assigned Division.

**DUE PROCESS HEARING:** Evidentiary hearing on the record of appeals from disciplinary action or involuntary demotion resulting from discipline or operational requirements.

**EDUCATIONAL ASSISTANCE:** The City's reimbursement program for college level coursework.

**EMPLOYEE REQUISITION FORM:** Completed form required to commence a hiring process.

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## POLICY AND PROCEDURES GLOSSARY

**EMPLOYER:** For the purpose of this manual, refers to Mayor, Department Director, Division Manager, or other management personnel.

**ESSENTIAL OPERATIONS AND SERVICES:** Those operations and services as designated by the Mayor which require staffing during inclement weather or emergency conditions.

**EXCEPTIONAL RECLASSIFICATION REQUEST:** Exceptional reclassification requests are not part of a normal progression within a series or represent movement from one major employee classification band to a different band. An example of an exceptional request would be Senior Analyst to Principal Analyst or moving from a paraprofessional classification into a professional classification.

**FAMILY MEDICAL LEAVE ACT (FMLA):** Federal law that allows eligible employees a maximum of 12 workweeks of paid and/or unpaid leave in any 12-month period for medical leave.

**FLEX-TIME:** The flexible scheduling of the employee's work day on a project-by-project basis.

**GENETIC INFORMATION:** Genetic information includes, but is not limited to, information about genetic tests of an individual or their family members; information about any diseases, disorders or conditions of an individual or their family members; and information about the medical history of an individual or their family members. The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment.

**HOURLY EMPLOYEE:** An at-will full-time or part-time supplemental position that only receives federal and state mandated benefits and is budgeted with temporary funds

**HIPAA:** Health Insurance Portability and Accountability Act of 1996 relating to the privacy requirements for Protected Health Information (PHI).

**IMMEDIATE SUPERVISOR:** For the purpose of this manual, the immediate supervisor is defined as the supervisor(s) designated by the Division Manager to be responsible for the indicated action.

**INCUMBENT:** An employee occupying a position.

**INDIRECT SUPERVISORY RELATIONSHIP:** A line reporting relationship in which there are intermediate supervisory levels between the employee and the supervisor.

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## POLICY AND PROCEDURES GLOSSARY

**JOB ANALYSIS:** A systematic process of collecting information concerning the tasks (duties and responsibilities) performed by a Group of positions, analyzing the tasks; grouping similar tasks together in a logical manner to structure classifications; determining the knowledge, skills, and abilities required to successfully perform such tasks; and establishing the minimum education and experience qualifications necessary for appointment to the classification.

**JOB EVALUATION:** A procedure used to determine the relative value of a classification in relation to other classifications in the organization in order to establish internal equity.

**JOB POSTING:** Vacancies for regular full-time and part-time positions, other than at-will positions, are posted on bulletin boards for 10 working days.

**JOB TRADE:** Employees in the same classification that may trade positions with a similarly situated employee in the same or another division.

**LEAVES-OF-ABSENCE:** An authorized or imposed period of absence from work.

**LIGHT-DUTY ASSIGNMENT:** Temporary job duties which are assigned to an employee with a non-work related injury and which do not include the employee's full range of regularly assigned duties.

**LIMITED-DUTY ASSIGNMENT:** Temporary job duties which are assigned to an employee with a job-related injury and which do not include the employee's full range of regularly assigned duties.

**MAYORAL APPOINTEE:** The Mayor appoints the City Attorney and the City Clerk.

**MINIMUM QUALIFICATIONS:** The minimum education and experience specifications for a particular appointment to a classification.

**NEPOTISM:** Policy regarding hiring by the City of current employees' relatives.

**NON-EXCEPTIONAL RECLASSIFICATION REQUESTS:** Non-exceptional reclassification requests are those that represent a normal or typical progression within a classification series. An example of a non-exceptional reclassification would be from an Analyst I to an Analyst II.

**OPEN RECORDS ACT:** Colorado law regarding inspection and copying of public records.

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## POLICY AND PROCEDURES GLOSSARY

**PEER REVIEW:** The Peer Review Process is provided as an alternative to traditional management review of employee appeals of discipline.

**PERFORMANCE MANAGEMENT:** Year-long, collaborative process between the employee and supervisor that links individual performance to the goals of the work units and the City Strategic plan. The process includes performance planning, coaching and mentoring, and performance appraisal.

**PERFORMANCE PAY:** An employee whose annual performance evaluation is "exceeds expectations" is eligible for a percentage of their base annual salary.

**PERSONNEL ACTION FORM (PAF):** A Personnel Action Form is used to record and initiate payroll/personnel actions such as initial employment, leaves of absences, job class changes, promotions, and separations.

**PHI:** See Protected Health Information.

**POSITION (JOB):** A grouping of specific duties and responsibilities, assigned by management, to be performed by one employee.

**PRE-TERMINATION MEETING:** A recorded meeting where an employee may respond to their respective manager on allegations that may result in their termination.

**PRIVACY OFFICER:** The Director of Human Resources serves as the Privacy Officer in the organization and is assigned to ensure that the City is in compliance with all federal and state laws regarding privacy of PHI.

**PRIVATE PROPERTY:** Private Property for accident investigation purposes is property that is not included in the traffic way. It is property not maintained or regulated by state or local transportation departments. When an accident starts on a public roadway or highway (i.e., ran off the road on to private property), the accident is not considered a private property accident.

**PROBATION:** Period of time when an employee is at-will and must satisfy all job requirements to become a regular employee.

**PROBATIONARY EMPLOYEE:** An at-will employee who is serving the original or a reclass probationary period with the City in a regular position.

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## POLICY AND PROCEDURES GLOSSARY

**PROMOTION:** Assignment to a higher classification.

**PROTECTED HEALTH INFORMATION (PHI):** PHI includes individually identifiable health information relating to a specific employee or dependent, that is maintained or transmitted in any form to a healthcare provider, group health plan or to which the City may have access.

**RECLASSIFICATION:** A change in the assigned duties and responsibilities which results in a change in the position's class. The change may be to a class of a lower, equal, or higher band/zone assignment.

**RECLASSIFICATION REVIEW COMMITTEE:** Committee of Directors that review exceptional reclassification requests.

**REGULAR, FULL-TIME EMPLOYEE:** An employee in a budgeted, full-time position which receives full benefits.

**REGULAR, PART-TIME EMPLOYEE:** An employee in a position budgeted for a minimum of 20 hours per week, but no more than 39 hours per week, which receives pro-rated benefits.

**REGULAR RATE:** The average hourly rate for a workweek determined by dividing total base hourly compensation and FLSA eligible earnings by total hours worked.

**RETIREMENT:** Retirement is separation from employment for reasons of age and service or medical condition for which the employee is eligible to receive an immediate pension benefit from a City pension plan. To be considered retired, the employee must also have made application for retirement prior to the date of separation.

**SALARY FREEZE:** The freezing of an employee's salary occurs when an employee is placed on a Performance Improvement Plan as outlined in Policy #30. In addition, a salary freeze can occur across the board for all employees at the discretion of City Council based on budget restrictions.

**SALARY RANGE:** The salary range designates a minimum, a market average, and a maximum salary for a classification. Base pay cannot exceed Zone Maximum. The 10% from Market Average to maximum is the pay for performance range.

**SELECTING AUTHORITY:** For the purpose of this manual, selecting authority is defined as the Division Manager, or a designee, who is authorized to make an appointment to a position.

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## POLICY AND PROCEDURES GLOSSARY

**SEVERE DAMAGE:** Will have to be evaluated by the responding supervisor and the supervisor will have to make the determination on a case by case basis. If there is significant private party damage, the owner of that property will probably contact the police and request a patrol officer to respond.

**SEXUAL ORIENTATION:** Person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or an employer's perception thereof.

**SPECIAL EMPLOYEE:** An at-will employee in a budgeted full-time or part-time position established for an interim period.

**SPOUSE:** A partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the "Colorado Civil Union Act," Article 15 of Title 14.

**STANDBY PAY:** Additional compensation paid in accordance with Division policy (not to exceed 15%) for time an employee is required to be available for call out.

**SUSPENSION:** Time off with or without pay imposed by the Employer upon an employee as disciplinary action.

**TELEWORKING:** Work at home, on a full- or part-time basis, used as an alternative to the usual City worksite.

**TRANSFER:** Assignment to a classification in the same Band and Zone.

**UNDERCLASSIFIED:** A position allocated to a classification at a level lower than justified by the duties and responsibilities of the position. This term also applies to the incumbent of such position.

**WORKING DAY:** A day that is normally worked by an employee in accordance with an established work schedule.

**ZONE:** Salary groups within a band that combine classifications based on their market value and/or level of job duties.

**ZONE MAXIMUM:** Maximum base salary an employee may receive in a classification.

*Last revised: 01/18*

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